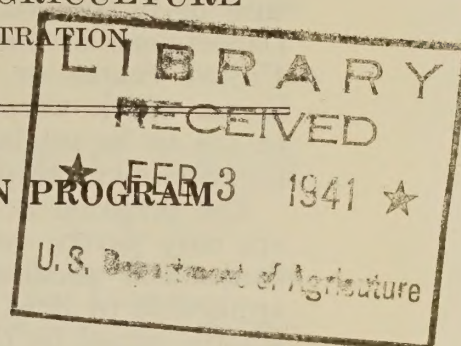


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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
EAST CENTRAL DIVISION

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1941 AGRICULTURAL CONSERVATION PROGRAM  
KENTUCKY



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AUTHORITY AND APPLICABILITY

The 1941 Agricultural Conservation Program Bulletin (ACP-1941, referred to herein as the national bulletin) issued by the Secretary of Agriculture on August 20, 1940, and amendments thereto, contain the provisions of the 1941 program for the United States. This bulletin (ECR-501-Ky.) restates in a simplified form and in more general terms the provisions of the national bulletin which are applicable in the State of Kentucky, and also contains certain of the determinations authorized by the national bulletin, which is controlling.

The provisions of the 1941 program are necessarily subject to any legislation which Congress may enact. Payments and conservation materials will be limited by the amount of congressional appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

The provisions of the 1941 program contained herein are applicable to all land in the State of Kentucky, except (1) land owned by the United States and administered by the Forest Service or the Soil



Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of the Interior; and (2) other lands owned by the United States or any corporation wholly owned by the United States which were acquired or reserved for conservation purposes or are to be retained permanently under such Government or corporation ownership.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal land banks and production credit associations. The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land will include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

#### SECTION I. ALLOTMENTS AND YIELDS FOR STATE, COUNTIES, AND FARMS

**A. State allotments.**—State allotments for wheat, tobacco, cotton, potatoes, corn, and total soil-depleting crops will be established by the Secretary.

**B. County allotments.**—In general, the respective State allotments will be apportioned among the counties, taking into consideration the acreage normally devoted to these crops, abnormal conditions, and trends.

**C. Farm allotments.**—The county committee, with the assistance of other local committees, will determine farm allotments, permitted acreages, and usual acreages in accordance with instructions issued by the A. A. A.

**D. Farm normal yields.**—The county committee, with the assistance of other local committees, will determine for each farm, in accordance with applicable instructions, a normal yield per acre for each special crop (except for commercial vegetables) for which an allotment is determined or a deduction is computed. The weighted average yield for each such crop for all farms in a county will not exceed the normal yield established for such crop for the county.

#### SEC. II. COMMODITIES—PAYMENTS AND DEDUCTIONS

##### A. TOTAL SOIL-DEPLETING CROPS

**1. National goal.**—The 1941 national goal for soil-depleting crops is 270,000,000 to 285,000,000 acres.

**2. Farm allotments.**—A total soil-depleting allotment will be determined for each farm which has a special crop allotment (other than a commercial-vegetable allotment).

**3. Deduction.**—A deduction will be made at the rate of \$5.00 for each acre classified as soil-depleting in excess of the larger of (a)



the total soil-depleting allotment plus the acreage of the special crops for which deductions are computed, or (b) the acreage planted to cotton and the harvested acreage of tobacco plus 30 acres.

## B. WHEAT

1. **National goal.**—The 1941 national goal for wheat is 62,000,000 acres.

2. **Payment.**—

(a) On a wheat-allotment farm the payment is 8 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

(b) On a non-wheat-allotment farm the payment will be included in the payment computed for cropland to be earned in connection with soil-building practices.

3. **Deduction.**—A deduction of 50 cents per bushel of the normal yield of wheat for the farm will be made.

(a) On a wheat-allotment farm for each acre planted to wheat in excess of the wheat allotment.

(b) On a non-wheat-allotment farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of the largest of (a) the usual acreage of wheat, (b) 10 acres, or (c) if no wheat is marketed from the farm, 3 acres per family on the farm.

4. **Non-wheat-allotment farm** means a farm for which (a) no wheat allotment is determined, or (b) a wheat allotment is determined and the persons having an interest in the wheat on the farm elected prior to August 31, 1940, to have such farm considered as a non-wheat-allotment farm in 1941.

5. **Acreage planted to wheat** means (a) any acreage of land seeded to wheat (except when such crop is seeded in a mixture containing less than 50 percent by weight of wheat or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); and (b) any acreage of land which is seeded to a mixture containing wheat designated under (a) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That an acreage not in excess of the larger of 3 acres or 3 percent of the allotment, unintentionally planted in excess of the allotment, will not be considered as planted to wheat if plowed under prior to May 15, 1941, or clipped between April 15 and May 15, 1941, and left on the land.

## C. TOBACCO

1. **National goal.**—The 1941 national goal for —

(a) Burley tobacco is 370,000 to 390,000 acres,

(b) Fire-cured tobacco is 80,000 to 90,000 acres, and

(c) Dark air-cured tobacco is 32,000 to 36,000 acres.

2. **Payment.**—The payment per pound of the normal yield of tobacco for the farm for each acre in the tobacco allotment is —

(a) 0.8 cent for Burley, and

(b) 1.5 cents for fire-cured, and

(c) 1 cent for dark air-cured.

3. **Deduction.**—A deduction will be made at the rate of 8 cents per pound of the normal yield of tobacco for the farm for each acre harvested in excess of the applicable tobacco allotment.



## D. COTTON

1. **National goal.**—The 1941 national goal for cotton is 27,000,000 to 29,000,000 acres.

2. **Payment.**—The payment is **1.37 cents** per pound of the normal yield of cotton for the farm for each acre in the cotton allotment. No payment will be made with respect to cotton on a farm on which cotton was not planted in any of the years 1938, 1939, and 1940.

3. **Deduction.**—A deduction of **4 cents** per pound of the normal yield of cotton for the farm will be made for each acre planted to cotton in excess of the cotton allotment or permitted acreage.

4. **Acreage planted to cotton** means the acreage of land seeded to cotton, except that (a) if any acreage in excess of the allotment or permitted acreage is disposed of before reaching the stage of growth at which bolls are first formed, (b) if notice of the amount of excess acreage is not given 10 days prior to the time bolls are first formed, but such excess acreage is disposed of within 10 days after such notice, or (c) if substantially all of the cotton produced on a particular acreage is determined to be cotton the staple of which is 1½ inches or more in length—then, such acreage will not be considered as planted to cotton.

## E. COMMERCIAL POTATOES

The commercial potato counties are Jefferson and Oldham.

1. **National goal.**—The 1941 national goal for potatoes is 3,100,000 to 3,300,000 acres.

2. **Farm allotments.**—A potato allotment will be determined for each farm, in the above counties, for which the normal acreage of potatoes for market is determined to be 3 acres or more.

3. **Payment.**—The payment is **2.3 cents** per bushel of the normal yield of potatoes for the farm for each acre in the potato allotment.

4. **Deduction.**—In commercial potato counties a deduction of **30 cents** per bushel of the normal yield of potatoes for the farm will be made—

(a) On a potato-allotment farm for each acre planted to potatoes in excess of the potato allotment.

(b) On a farm for which no potato allotment is determined for each acre planted to potatoes for market in excess of 3 acres.

5. **Acreage planted to potatoes** means the acreage of land on which potatoes are planted, except (a) when grown in home gardens for use on the farm, and (b) that all or any part of any potato acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to potatoes on the farm, may be considered as not having been planted.

## F. CORN

The commercial corn counties are: Ballard, Carlisle, Crittenden, Daviess, Fulton, Hancock, Henderson, Hickman, Livingston, McLean, Union, and Webster.

1. **National goal.**—The 1941 national goal for corn is 88,000,000 to 90,000,000 acres.

2. **Payment.**—The payment is **9 cents** per bushel of the normal yield per acre of corn for the farm for each acre in the corn allotment.



**3. Deduction.**—In commercial corn counties a deduction of 50 cents per bushel of the normal yield of corn for the farm will be made—

(a) On a corn-allotment farm for each acre planted to corn in excess of the corn allotment.

(b) On a non-corn-allotment farm for each acre planted to corn in excess of 10 acres.

**4. Non-corn-allotment farm** means a farm in a commercial corn county (a) for which no corn allotment is determined, or (b) for which a corn allotment of less than 10 acres is determined and the acreage planted to corn is greater than the allotment.

**5. Acreage planted to corn** means the acreage of land on which field corn is planted (except any acreage of sown corn used as a cover crop or green manure crop) and the acreage of sweet corn used for livestock feed: *Provided*, That an acreage not in excess of the larger of 3 acres or 3 percent of the allotment, unintentionally planted in excess of the allotment, will not be considered as planted to corn if disposed of by disking or plowing under within 15 days after notice of such excess is sent to the farm operator: *Provided further*, That all or any part of any corn acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to corn on the farm, may be considered as not having been planted.

#### G. COMMERCIAL VEGETABLES

The commercial vegetable counties are: Boone, Bullitt, Campbell, Fayette, Jefferson, and Kenton.

**1. Farm allotments.**—A commercial vegetable allotment will be determined for each farm in the above counties on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. No vegetable allotment will be determined which is less than 3 acres.

**2. Payment.**—The payment is \$1.30 for each acre in the commercial vegetable allotment determined for the farm, or, if the acreage of commercial vegetables is less than 80 percent of the farm's commercial vegetable allotment, for an acreage equal to 125 percent of the acreage of commercial vegetables unless the county committee finds that the acreage of commercial vegetables is less than 80 percent of such allotment because of flood or drought.

**3. Deduction.**—In commercial-vegetable counties a deduction will be made at the rate of \$20.00 for each acre of land devoted to commercial vegetables in excess of the larger of (a) the commercial vegetable allotment determined for the farm or (b) 3 acres.

**4. Commercial vegetables** means the planted acreage of annual vegetable or truck crops and the harvested acreage of perennial vegetables, of which any portion of the production is sold or intended to be sold to persons not living on the farm, except (1) such crops grown in home gardens for use on the farm; (2) potatoes in commercial potato counties and (3) dried beans, cowpeas, black-eyed peas, bulbs and flowers, watermelons, strawberries, sweetpotatoes hogged, cantaloups, peas for canning or freezing, and sweet corn for canning. *Provided*, That all or any part of any vegetable acreage totally destroyed by flood, freeze, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted



to vegetables on the farm, may be considered as not having been planted.

### SEC. III. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National goal.**—The 1941 national soil-building goal is (1) the conservation of cropland not required in 1941 for the growing of soil-depleting crops, and (2) the carrying out of soil-building practices that will conserve and improve soil fertility and prevent erosion.

**B. County goals.**—County goals may be established for particular soil-building practices which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that soil-building payments will be used most effectively to bring about added conservation and to secure the carrying-out of soil-building practices most needed on farms in the county.

The county committee, with the approval of the State committee, may specify for any group of farms in the county a proportion of the soil-building payment which may be earned only by carrying-out designated soil-building practices which are most needed and are not routine.

**C. Farm goals.**—The soil-building goal for any farm will be 1 unit of applicable soil-building practices for each \$1.50 computed for the farm under paragraph D below. The county committee will assist farmers in determining practices, other than routine farming practices, that are most needed to conserve and improve soil fertility and prevent erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**D. Payment.**—For each farm the payment which may be earned in connection with soil-building practices is the sum of the amounts computed under items 1, 2, and 3 of this paragraph D: *Provided*, That for any farm with respect to which the sum of the payments computed for special crops plus items 1, 2, and 3 is less than \$20, the amount computed under this paragraph D will be increased by the amount of the difference.

1. 70 cents for each acre of cropland in excess of the sum of the acreages used in computing payments for wheat, tobacco, cotton, potatoes, and corn.

2. \$1.80 for each acre of commercial orchards.

3. 25 cents for each acre of fenced, noncrop, open pasture land in excess of one-half of the number of acres of cropland, which is capable of maintaining, during the normal pasture season, at least one animal unit for each 5 acres.

**E.** In addition to the payment computed under paragraph D of this section III, a special payment of \$15 may be earned by planting forest trees as provided in practices 16 and 17 below.

**F. Deduction for failure to maintain practices under previous programs.**—Where the county committee, in accordance with instructions of the State committee, determines that (1) terraces constructed, forest trees planted, or pastures established under previous agricultural conservation programs are not maintained in accordance with good farming practices, (2) seedings of perennial legumes or grasses are destroyed after producers have been informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building prac-



tice carried out under a previous program is destroyed in 1941 contrary to good farming practice, there will be deducted from payments which would otherwise be made with respect to the farm an amount equal to the payment which would be made under the 1941 program for a similar amount of such practices.

**G. Soil-building practices.**—The soil-building practices listed below will count toward reaching the soil-building goal, to the extent indicated herein, when carried out in the period September 1, 1940, to June 30, 1941, in accordance with good farming practice and the provisions of this bulletin.

1. **Superphosphate.**—Application of either (a) 100 pounds of AAA triple superphosphate or (b) 240 pounds of 20 percent superphosphate or its equivalent—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of superphosphate to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

2. **Other phosphate materials.**—Application of 500 pounds of basic slag, rock phosphate, or colloidal phosphate—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of other phosphate materials to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

3. **Potash.**—Application of 150 pounds of 50 percent muriate of potash or its equivalent—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of potash to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

4. **Liming materials.**—Application of ground limestone, or its equivalent, to farmland in counties as follows—**One unit or \$1.50.**

(a) **1,000 pounds** in the counties of Floyd, Knott, Leslie, and Martin;

(b) **1,200 pounds** in the counties of Johnson, Magoffin, Perry, and Pike;

(c) **1,500 pounds** in the counties of Ballard, Bell, Breathitt, Calloway, Carlisle, Carter, Clay, Daviess, Elliott, Estill, Fulton, Graves, Greenup, Hancock, Harlan, Henderson, Hickman, Jackson, Knox, Lawrence, Letcher, Lewis, McCracken, McLean, Menifee, Morgan, Owsley, Rowan, Webster, Whitley, and Wolfe;

(d) **2,000 pounds** in all other counties.

The application of liming materials contained in commercial fertilizers will not qualify for credit under this practice. For purposes of this practice 150 pounds of limestone screenings, 70 pounds of hydrated or burned lime, or 150 pounds of marl will be considered to be equivalent to 100 pounds of ground limestone. Ground limestone, of which 90 percent or more will pass through a 10-mesh sieve, will be considered as ground limestone. Such material, of which less than



90 percent will pass through a 10-mesh sieve, will be considered as limestone screenings.

**5. Alfalfa or sericea.**—Seeding approved varieties of hardy domestic or Canadian alfalfa or sericea—**One unit or \$1.50 per acre.**

Sufficient alfalfa or sericea seed must be sown on land properly prepared, including the application of sufficient liming material, superphosphate, and potash, where necessary, to assure a good stand. In case a good stand is not obtained, evidence satisfactory to the county committee must be submitted to show that the land was properly prepared.

**6. Winter legumes.**—Seeding crimson clover, vetch, or Austrian winter peas as winter cover crops—**One unit or \$1.50 per acre.**

**7. Annual lespedeza.**—Seeding annual lespedeza—**One-fourth unit or 37½ cents per acre.**

**8. Timothy or redtop.**—Seeding timothy, redtop, or a mixture consisting solely of timothy and redtop—**One-fourth unit or 37½ cents per acre.**

**9. Other legumes and grasses.**—Seeding of domestic red clover, alsike clover, sweet clover, white clover, kudzu, crotalaria, bluegrass, orchard grass, annual ryegrass, or mixtures of legumes or perennial grasses (other than a mixture consisting solely of timothy and redtop)—**One-half unit or 75 cents per acre.**

In order to qualify under practices 5, 6, 7, 8, and 9, seeding rates must meet the requirements approved for each county by the State committee. No credit for a seeding practice will be given if it is determined by the county committee that the seed used was not adapted seed of such quality as to meet the requirements of good farming practices.

**10. Winter cover crops.**—Leaving winter cover crops on land—**One unit or \$1.50 per acre.**

A good stand and good growth of wheat on a non-wheat-allotment farm, winter oats, barley, rye, or mixtures of these crops, from which seed is not harvested by mechanical means, must be left on the land as a temporary mulch to qualify for credit. Any crop for which payment is made under practice 11 will not qualify for credit under this practice.

**11. Green manure crops.**—Turning under green manure crops—**One unit or \$1.50 per acre.**

A good stand and good growth of crimson clover, vetch, Austrian winter peas, sweet clover, rye, winter oats, winter barley, winter wheat, or mixtures of these crops, must be plowed or disked under as green manure to qualify for credit. Any acreage of wheat plowed under for the purpose of reducing the planted acreage of wheat in connection with the 3 percent or 3-acre provision will not qualify for credit as green manure. In 1941, seedings of sweet clover will not qualify for credit under this practice.

**12. Terracing.**—Construction of 200 feet of standard terrace—**One unit or \$1.50.**

The spacing of terraces and terrace grades must conform with standard requirements with due consideration being given to the slope of the land and the type of soil. The terrace must have a minimum base width of ridge of 12 feet. The height of the ridge above the water channel should be at least 16 inches when settled. The water channel should be at least 4 feet wide, with a minimum width of back slope on the upper side of 3 feet. The cross section of the water channel must be at least 6 square feet after the ridge settles. Proper outlets must be provided. Water furrows, miniature terraces, and other temporary means of erosion control will not be acceptable under this practice.



**13. Contour stripcropping.**—Establishment or maintenance of a system of contour stripcropping—**One-fifth unit or 30 cents per acre.**

This practice will consist of the planting or maintenance of strips on the contour of cropland having an average slope of more than 5 percent. Any strips of inter-tilled crops (at least 30 feet and not more than 100 feet in width) must be separated by strips of close-growing crops of approximately the same width. The width of strips will become less as the percentage of slope increases. Prior approval of the county committee must be secured before performing this practice.

**14. Contour furrowing.**—Contour furrowing of noncrop land—**One-sixth unit or 25 cents per 1,000 linear feet.**

This practice must be performed in accordance with specifications issued by the State committee. Credit will not be allowed in excess of one-half unit per acre for performing this practice.

**15. Dams in gullies.**—Construction of dams in gullies or waterways on farm land—**One-sixth unit or 25 cents per dam.**

Stake, wire, sod, brush, or rock dams, and similar structure will be regarded as dams for purpose of this practice. No dams will be approved where less than six dams are constructed in any one gully or waterway.

**16. Forest tree planting.**—Planting approved species of forest trees or shrubs beneficial to wildlife—**Three units or \$4.50 per acre.**

This practice will include both the planting of forest trees and shrubs beneficial to wildlife. The species approved for forest tree plantings are as follows:

White ash	White oak	Black locust
Black cherry	Scaley bark hickory	White pine
Cottonwood	Red cedar	Black walnut
Sugar maple	Loblolly pine	
Red oak	Yellow poplar	

Maximum spacings should be 6 by 6 feet. Plantings must be protected from fire and grazing, and cultivated sufficiently to retard native growth of weeds and undesirable species. Plantings must show a survival of not less than 700 trees per acre evenly distributed over the land on or after July 1, 1941. In the case of white pine plantings, credit will not be allowed unless any currant and gooseberry bushes present are removed from the planted area and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

The planting of not less than 1,500 shrubs beneficial to wildlife on two or more small tracts, consisting of less than 1 acre each, will be considered as an acre even though the total area may be greater than 1 acre. Shrubs planted for credit under this practice must be protected from fire and grazing and cultivated in accordance with good wildlife management practice.

**17. Walnut planting.**—Planting black walnuts—**Three units or \$4.50 per acre.**

At least 2,400 walnuts per acre must be planted not farther apart than 6 by 6 feet, and 2 or 3 nuts should be planted in each space. Walnuts must be planted at a depth of 2 to 3 inches, and not later than April 1, 1941. Walnuts used for planting should be those collected from the ground (not stored) from the fall crop of 1940. A good stand (approximately 750 trees per acre after thinning) showing satisfactory growth, properly protected from fire and grazing, must be secured in order to qualify for credit under this practice.

**18. Forest stand improvement.**—Improvement of stands of forest trees—**Two units or \$3 per acre.**

Prior approval of the county committee, including detailed instructions, must be obtained before performing this practice. The stand of forest trees to be



improved must be such as to provide at least 100 trees per acre of desirable form and species, after improvement. Forest-stand improvement will consist of weeding (removal of trees of undesirable species or form); thinning, when necessary, in stands where trees average 4 inches or more in diameter; and by removal of diseased snags and diseased live trees. Areas being improved must be protected from fire and from grazing. Cuttings, except for stand improvement and for such merchantable cuttings as will allow a satisfactory stand to remain, are prohibited. If white pine makes up any part of the designated minimum number of trees per acre in the stand, credit will not be allowed unless any currant and gooseberry bushes present are removed from the stand and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

**19. Orchard mulch.**—Application of mulching materials in orchards—**One-half unit or 75 cents per ton.**

Straw or equivalent mulching material must be evenly applied to orchard land to qualify for credit under this practice. Credit will not be allowed for the use of barnyard or stable manure as mulching material. Air-dry weight will be used in calculating the amount of mulching material for which credit will be given under this practice.

**20. Apple tree removal.**—Removal of disease-infested or uneconomic apple trees, the major portion of whose fruit is of inferior quality, in the counties of Henderson, Jefferson, and McCracken.

(a) For trees 5 to 12 inches in diameter—**One-fifth unit or 30 cents per tree.**

(b) For trees more than 12 inches in diameter—**One-third unit or 50 cents per tree.**

Prior approval of the county committee must be obtained before performing this practice. Payment will be made only for the removal of live, permanent apple trees and not for the removal of filler or semi-permanent trees. Land so cleared must not be used for the growing of soil-depleting crops during the program year for which payment is made. No payment will be made for removal of trees less than 5 inches in diameter. Measurements of trunk diameter will be made approximately 1 foot above ground level. Not more than \$15 per acre may be earned under this practice.

**H. Materials furnished by other agencies.**—If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no payment will be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payment will be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or an agency thereof by an agency of the same State will not be deemed to have been furnished by a State agency within the meaning of this paragraph.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service will not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery will not be deemed to have been paid for in whole or in part by a State or Federal agency.



## SEC. IV. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Special crop payments and deductions.—1.** The net payment or net deduction computed for any farm with respect to special crops will be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1941. Such determination will be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1941 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases the net payment or net deduction computed for such crop will be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1941: *Provided further*, That if for any reason the total acreage of cotton on the farm in 1941 is less than 80 percent of the cotton acreage allotment for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1941 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1941, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941.

2. The deduction for exceeding the total soil-depleting allotment will be regarded as a pro rata deduction with respect to the payments computed in connection with special crops.

**B. Soil-building practice payments and deductions.—1.** The amount of net payment earned in carrying out soil-building practices on the farm will be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in the 1941 program, the payment will be divided in the proportion that the units contributed by each person bear to the total units contributed by all persons. All persons contributing to the carrying out of any soil-building practice on a particular acreage will be deemed to have contributed equally to the carrying out of the practice unless such persons prove to the county committee that their respective contributions were not in equal proportion, in which event the payment for such practice will be divided in the proportion which the county committee determines such persons contributed thereto.

2. The deduction for failure to maintain soil-building practices carried out under previous programs will be divided among the persons who the county committee determines were responsible for the failure



to maintain the practices in the proportion that the county committee finds such persons were responsible.

**C. Proration of net deductions.**—If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions, the sum of the net deductions will be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments will be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

#### SEC. V. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in small payments.**—The total payment computed under sections II, III, and IV for any person on any farm will be increased as follows:

1. Any payment amounting to 71 cents or less will be increased to \$1.
2. Any payment amounting to more than 71 cents, but less than \$1, will be increased by 40 percent.
3. Any payment amounting to \$1 or more will be increased in accordance with the following schedule:

Amount of payment	Increase in payment	Amount of payment	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10. 40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.



**B. Payments limited to \$10,000.**—The total of all payments made in connection with programs for 1941 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made.

All or any part of any payment which has been or otherwise would be made to any person under the 1941 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions incurred on other farms.**—1. If the deductions computed for any farm in a county exceed the payment computed for the farm, a person's share of the amount by which the deduction exceeds the payments shall be deducted from the person's share of the payment which would otherwise be made to him for performance on any other farms in the county.

2. If the deductions computed for a person for one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which the net deductions are computed substantially offset the contribution to the program made on other farms.

**D. Deduction for association expenses.**—There shall be deducted pro rata from the payments for any farm all or such part as the Secretary may prescribe of the estimated administrative expenses of the county agricultural conservation association in the county in which the farm is located.

**E. Payments restricted to purposes of program.**—All or any part of any payment which otherwise would be made to any person under the 1941 program may be withheld, or required to be returned—

1. If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1941 or previous agricultural conservation programs;

2. If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which the payment is otherwise authorized; or

3. If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning), or if he clear-cuts or allows to be clear-cut his present stand



of timber below a minimum diameter on the stump of approximately 10 inches for coniferous species, and approximately 14 inches for hardwood species, except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

Practices which tend to defeat the purposes of the 1941 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

- (1) A landlord or operator, including the landlord of a cash or standing or fixed-rent tenant, either by oral or written lease, or by an oral or written agreement supplementary to such lease, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any Government payment which the tenant or sharecropper has received or is to receive for participating in the 1941 Agricultural Conservation program.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the customary rental, a sum of money or any thing or service of value equivalent to all or a portion of the Government payment which may be, is being, or has been earned by the tenant or sharecropper.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to the landlord or operator with respect to the farm.

- (3) A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1941 Agricultural Conservation Program, or knowingly shows incorrectly his or their acreage shares of a crop, or share of soil-building practices, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of payments to which they are entitled.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (4) A landlord or operator requires his tenant or sharecropper to execute an assignment, ostensibly covering advances of money or supplies to make a current crop, but actually for a purpose not permitted by the assignment regulations.



**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (5) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but substantially offsets such performance by the farming operations of a partnership, association, estate, corporation, trust, or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

**Amount to be withheld or refunded:** All the payments which have been or otherwise would be made to a person who adopts such practices.

- (6) A partnership, association, estate, corporation, trust, or other business enterprise (in which a particular individual is interested) carried on its operations so as to qualify for payment, but one of the persons who is in position to control the operations or policies of such partnership, association, estate, corporation, trust, or other business enterprise substantially offsets such performance by such person's individual operations.

**Amount to be withheld or refunded:** The individual's payments shall be forfeited and the payments to the partnership, association, estate, corporation, trust, or other business enterprise shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

- (7) A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm in another State.

**Amount to be withheld or refunded:** The net amount of the deduction which would be computed for the person for such overplanting if the farms were in the same State.

- (8) A person rents land for cash, standing or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.

**Amount to be withheld or refunded:** The net amount of the deduction which would be computed if the person were entitled to receive all the crops produced on the rented land.

- (9) A person participates in the production of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the production of a crop if the committee finds that he furnished either machinery, workstock, or financial assistance for the production of such crop and that he has a financial interest in such crop.)

**Amount to be withheld or refunded:** The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops produced.



- (10) A tenant, in settling his obligations under a rental contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord the whole or any part of any payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the Regional Director.

**Amount to be withheld or refunded:** The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by the landlord the whole of the payment with respect to all of his farms under the program involved: *Provided, however,* Where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's payments shall be withheld or recovered.

- (11) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the payment that would otherwise be made to the tenant or sharecropper with respect to such crop.

**Amount to be withheld or refunded:** The entire payment which has been or would otherwise be made to such landlord or operator with respect to the farm.

- (12) A person misuses or participates in the misuse of a cotton marketing card or fails to file any report required by or under the regulations pertaining to cotton marketing quotas for the 1940-41 or 1941-42 marketing year and such misuse or failure to file such report results in erroneous or incomplete records pertaining to any farm in connection with cotton marketing quotas and fails to complete or correct such records.

**Amount to be withheld or refunded:** The entire payment which has been or would otherwise be made to such person with respect to the farm.

**F. Farms not operated.**—Only payments in connection with soil-building practices will be made with respect to farms which are not being operated in 1941.

**G. Payment made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph I of this section, advances for crop insurance premiums for the farm, and indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**H. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1941 program than would have been made to the landlord or operator for performance on the farm under the 1940 program, payments to the landlord or operator



under the 1941 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1940 had been continued in 1941, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the 3 years 1938 to 1940 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph H is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for payment under the 1941 program has employed any other scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require the person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to the person in connection with the 1941 program.

**I. Assignments.**—Any person who may be entitled to any payment in connection with the 1941 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1941. No such assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A. and unless such assignment is entitled to priority, as determined under instructions issued by the A. A. A. governing recording of such assignments.

Nothing contained in this paragraph I shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

**J. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1941 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1941 on land in any farm in which he has an interest in excess of the cotton allotment determined for the farm for 1941, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1941 on acreage in excess of the cotton allotment for the farm for 1941 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1941 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1941 on an acreage in excess of the cotton allotment for the farm for 1941 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm



cotton allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1941.

**K. Deductions in case of erroneous notice of acreage allotment.**—Notwithstanding the deduction provisions of section II, in any case where, through error in a county or State office, the producer was officially notified of an allotment for a commodity larger than the finally approved allotment for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued.

#### SEC. VI. CONSERVATION MATERIALS FURNISHED BY A. A. A. TO CARRY OUT SOIL-BUILDING PRACTICES

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, and terracing services may be furnished by the Agricultural Adjustment Administration to be used in carrying out approved soil-building practices on the farm in lieu of payments.

Wherever such materials or services are furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made.

The deduction for materials or services shall be made from payment due the person who obtained the materials or services on the same or any other farm in the county. In the event the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary: *Provided*, That deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished.

Notwithstanding any other provision herein, for any farm (1) for which no deductions are applicable and (2) for which no application for payment is filed or if an application is filed no net payment would be computed except for the use of conservation materials or services, the materials or services furnished by the Agricultural Adjustment Administration shall be in lieu of payments which might be computed for the farm.



## SEC. VII. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment for a farm may be made by any person who, under the provisions of section IV, shares in the payment which may be computed for the farm and (1) who is determined by the county committee to be entitled, as of the time of harvest, to share in any of the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1941 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office on or before January 31, 1942. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee, and making copies of the same available to the press.

**C. Application for other farms.**—If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

## SEC. VIII. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters affecting any farm in which he has an interest: (a) Eligibility to file an application for payment; (b) any allotment, usual acreage, yield, measurement, or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of the written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify the person in writing of its decision within 30 days after the submission of the appeal. If such person is not satisfied with the



decision of the State committee, he may, within 15 days after the decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person, who as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

#### SEC. IX. DEFINITIONS

For the purposes of the 1941 program—

**Secretary** means the Secretary of Agriculture of the United States.

**Administrator** means the Administrator of the Agricultural Adjustment Administration.

**Regional Director** means the Director of the East Central Division of the Agricultural Adjustment Administration.

**State committee** means the group of persons designated to assist in the administration of the agricultural conservation program in Kentucky.

**County committee** means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county.

**East Central Region** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**Person** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

**Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Cropland** means farm land which in 1940 was tilled or was in regular rotation, excluding any land in commercial orchards.

**Noncrop, open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.



**Commercial orchards** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm (excluding nonbearing orchards and vineyards), from which the major part of the production is normally sold.

**Special crop** means wheat, tobacco, cotton, commercial potatoes, corn (in commercial corn counties), or commercial vegetables.

**Special crop allotment** means a wheat, tobacco, cotton, potato, corn, or commercial vegetable acreage allotment.

**Animal unit** means 1 cow, 1 horse, 5 sheep, 5 goats, 2 calves, or 2 colts, or the equivalent thereof.

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee determines is operated by the same person as a part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land, and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**Soil-depleting acreage** means the acreage of land devoted during the 1941 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted) :

1. Corn, including sweet corn and popcorn, planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).

2. Tobacco harvested for any purpose.

3. The acreage planted to cotton.

4. Grain sorghums planted for any purpose.

5. Broomcorn planted for any purpose.

6. Potatoes planted for any purpose except when grown in home gardens for use on the farm.

7. Annual truck and vegetable crops planted for any purpose and perennial vegetables harvested for any purpose except when grown in home gardens for use on the farm.

8. Strawberries harvested for any purpose except when grown in home gardens for use on the farm.

9. Commercial bulbs and flowers, including cultivated sunflowers, harvested for any purpose.

10. Peas planted for canning, freezing, or dried peas, except when grown in home gardens for use on the farm.

11. Flax planted for any purpose except when used as a nurse crop for perennial legumes or perennial grasses which are seeded in a workmanlike manner.

12. Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.

13. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.



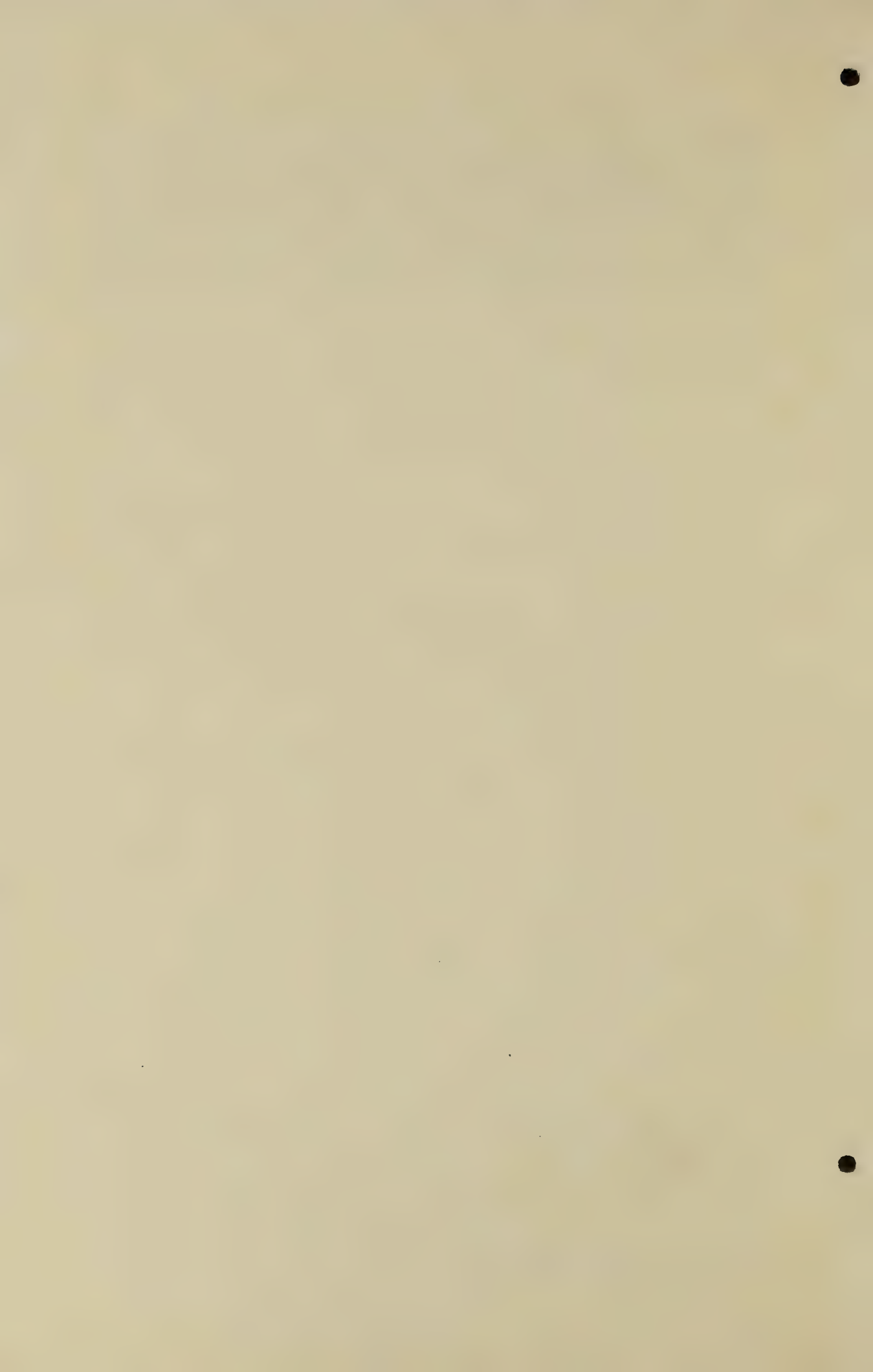
14. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when such crops are (1) used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay, or (2) seeded in a mixture containing at least 25 percent by weight of winter legume seeds and harvested for hay.

15. Buckwheat, sweet sorghums, Sudan grass, or millet, harvested for any purpose.









UNITED STATES DEPARTMENT OF AGRICULTURE  
 AGRICULTURAL ADJUSTMENT ADMINISTRATION  
 EAST CENTRAL DIVISION

1941 AGRICULTURAL CONSERVATION PROGRAM  
 MARYLAND AND DELAWARE

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AUTHORITY AND APPLICABILITY

The 1941 Agricultural Conservation Program Bulletin (ACP-1941, referred to herein as the national bulletin) issued by the Secretary of Agriculture on August 20, 1940, and amendments thereto, contain the provisions of the 1941 program for the United States. This bulletin (ECR-501-Md. and Del.) restates in a simplified form and in more general terms the provisions of the national bulletin which are applicable in the States of Maryland and Delaware, and also contains certain of the determinations authorized by the national bulletin, which is controlling.

The provisions of the 1941 program are necessarily subject to any legislation which Congress may enact. Payments and conservation materials will be limited by the amount of Congressional appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

The provisions of the 1941 program contained herein are applicable to all land in the States of Maryland and Delaware except (1) land owned by the United States which is administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of



the United States Department of the Interior; and (2) other lands owned by the United States or any corporation wholly owned by the United States which were acquired or reserved for conservation purposes or are to be retained permanently under such Government or corporation ownership.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations. The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land will include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

#### SECTION I. ALLOTMENTS AND YIELDS FOR STATE, COUNTIES, AND FARMS

**A. State allotments.**—State allotments for wheat, potatoes, corn, and total soil-depleting crops will be established by the Secretary.

**B. County allotments.**—In general, the respective State allotments will be apportioned among the counties, taking into consideration the acreage normally devoted to these crops, abnormal conditions, and trends.

**C. Farm allotments.**—The county committee, with the assistance of other local committees, will determine farm allotments and usual acreages in accordance with instructions issued by the A. A. A.

**D. Farm normal yields.**—The county committee, with the assistance of other local committees, will determine for each farm, in accordance with applicable instructions, a normal yield per acre for each special crop (except for commercial vegetables) for which an allotment is determined or a deduction is computed. The weighted average yield for each such crop for all farms in a county will not exceed the normal yield established for such crop for the county.

#### SEC. II. COMMODITIES—PAYMENTS AND DEDUCTIONS

##### A. TOTAL SOIL-DEPLETING CROPS

1. **National goal.**—The 1941 national goal for soil-depleting crops is 270,000,000 to 285,000,000 acres.

2. **Farm allotments.**—A total soil-depleting allotment will be determined for each farm which has a special crop allotment (other than a commercial vegetable allotment).

3. **Deduction.**—A deduction will be made at the rate of \$5.00 for each acre classified as soil-depleting in excess of the larger of (a) the total soil-depleting allotment plus the acreage of the special crops for which deductions are computed, or (b) 30 acres.

##### B. WHEAT

1. **National goal.**—The 1941 national goal for wheat is 62,000,000 acres.

## 2. Payment.—

(a) **On a wheat-allotment farm** the payment is 8 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

(b) **On a non-wheat-allotment farm** the payment will be included in the payment computed for cropland to be earned in connection with soil-building practices.

**3. Deduction.**—A deduction of 50 cents per bushel of the normal yield of wheat for the farm will be made—

(a) **On a wheat-allotment farm** for each acre planted to wheat in excess of the wheat allotment.

(b) **On a non-wheat-allotment farm** for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of the largest of (a) the usual acreage of wheat, (b) 10 acres, or (c) if no wheat is marketed from the farm, 3 acres per family on the farm.

**4. Non-wheat-allotment farm** means a farm for which (a) no wheat allotment is determined or (b) a wheat allotment is determined and the persons having an interest in the wheat on the farm elected prior to August 31, 1940, to have such farm considered as a non-wheat-allotment farm in 1941.

**5. Acreage planted to wheat** means (a) any acreage of land seeded to wheat (except when such crop is seeded in a mixture containing less than 50 percent by weight of wheat or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); and (b) any acreage of land which is seeded to a mixture containing wheat designated under (a) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That an acreage not in excess of the larger of 3 acres or 3 percent of the allotment, unintentionally planted in excess of the allotment, will not be considered as planted to wheat if plowed under prior to May 15, 1941, or clipped between April 15 and May 15, 1941, and left on the land.

## C. COMMERCIAL POTATOES

The commercial potato counties are: Somerset and Worcester, Maryland.

**1. National goal.**—The 1941 national goal for potatoes is 3,100,000 to 3,300,000 acres.

**2. Farm allotments.**—A potato allotment will be determined for each farm, in the above counties, for which the normal acreage of potatoes for market is determined to be 3 acres or more.

**3. Payment.**—The payment is 2.3 cents per bushel of the normal yield of potatoes for the farm for each acre in the potato allotment.

**4. Deduction.**—In commercial potato counties a deduction of 30 cents per bushel of the normal yield of potatoes for the farm will be made—

(a) **On a potato-allotment farm** for each acre planted to potatoes in excess of the potato allotment.

(b) **On a farm for which no potato allotment is determined** for each acre planted to potatoes for market in excess of 3 acres.



5. **Acreage planted to potatoes** means the acreage of land on which potatoes are planted, except (a) when grown in home gardens for use on the farm, and (b) that all or any part of any potato acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to potatoes on the farm, may be considered as not having been planted.

#### D. CORN

The commercial corn counties are: Baltimore, Caroline, Carroll, Cecil, Frederick, Harford, Howard, Kent, Montgomery, Queen Annes, and Washington in Maryland; and Kent and New Castle in Delaware.

1. **National goal.**—The 1941 national goal for corn is 88,000,000 to 90,000,000 acres.

2. **Payment.**—The payment is **9 cents** per bushel of the normal yield per acre of corn for the farm for each acre in the corn allotment.

3. **Deduction.**—In commercial corn counties a deduction of **50 cents** per bushel of the normal yield of corn for the farm will be made—

(a) **On a corn-allotment farm** for each acre planted to corn in excess of the corn allotment.

(b) **On a non-corn-allotment farm** for each acre planted to corn in excess of the larger of the usual acreage of corn or 10 acres.

4. **Non-corn-allotment farm** means a farm in a commercial corn county (a) for which no corn allotment is determined, (b) for which a corn allotment of less than 10 acres is determined and the acreage planted to corn is greater than the allotment, or (c) a farm for which a corn allotment is determined and the persons having an interest in the corn on the farm elect prior to April 15, 1941, to have such farm considered as a non-corn-allotment farm in 1941.

5. **Acreage planted to corn** means the acreage of land on which field corn is planted (except any acreage of sown corn used as a cover crop or green manure crop) and the acreage of sweet corn used for livestock feed: *Provided*, That an acreage not in excess of the larger of 3 acres or 3 percent of the allotment, unintentionally planted in excess of the allotment, will not be considered as planted to corn if disposed of by disking or plowing under within 15 days after notice of such excess is sent to the farm operator: *Provided further*, That all or any part of any corn acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to corn on the farm, may be considered as not having been planted.

#### E. COMMERCIAL VEGETABLES

The commercial vegetable counties are: Anne Arundel, Baltimore, Caroline, Carroll, Cecil, Dorchester, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, Somerset, Talbot, Washington, Wicomico, and Worcester in Maryland; and all counties in Delaware.

1. **Farm allotments.**—A commercial vegetable allotment will be determined for each farm in the above counties on which the average

acreage of land normally planted to commercial vegetables is 3 acres or more. No vegetable allotment will be determined which is less than 3 acres.

2. **Payment.**—The payment is **\$1.30** for each acre in the commercial vegetable allotment determined for the farm, or, if the acreage of commercial vegetables is less than 80 percent of the farm's commercial vegetable allotment, for an acreage equal to 125 percent of the acreage of commercial vegetables unless the county committee finds that the acreage of commercial vegetables is less than 80 percent of such allotment because of flood or drought.

3. **Deduction.**—In commercial vegetable counties a deduction will be made at the rate of **\$20.00** for each acre of land devoted to commercial vegetables in excess of the larger of (a) the commercial vegetable allotment determined for the farm or (b) 3 acres.

4. **Commercial vegetables** means the planted acreage of annual vegetable or truck crops and the harvested acreage of perennial vegetables (including strawberries), of which any portion of the production is sold or intended to be sold to persons not living on the farm, except (1) such crops grown in home gardens for use on the farm; (2) potatoes in commercial potato counties; and (3) dried beans, cowpeas, blackeyed peas, bulbs and flowers, watermelons, sweetpotatoes hogged or for starch, peas for canning or freezing, and sweet corn for canning: *Provided*, That all or any part of any vegetable acreage totally destroyed by flood, freeze, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to vegetables on the farm, may be considered as not having been planted.

### SEC. III. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

A. **National goal.**—The 1941 national soil-building goal is (1) the conservation of cropland not required in 1941 for the growing of soil-depleting crops, and (2) the carrying out of soil-building practices that will conserve and improve soil fertility and prevent erosion.

B. **County goals.**—County goals may be established for particular soil-building practices which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that soil-building payments will be used most effectively to bring about added conservation and to secure the carrying-out of soil-building practices most needed on farms in the county.

The county committee, with the approval of the State committee, may specify for any group of farms in the county a proportion of the soil-building payment which may be earned only by carrying out designated soil-building practices which are most needed and are not routine.

C. **Farm goals.**—The soil-building goal for any farm will be **1 unit** of applicable soil-building practices for each **\$1.50** computed for the farm under paragraph D below. The county committee will assist farmers in determining practices, other than routine farming practices, that are most needed to conserve and improve soil fertility and prevent erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.



**D. Payment.**—For each farm the payment which may be earned in connection with soil-building practices is the sum of the amounts computed under items 1, 2, and 3 of this paragraph D: *Provided*, That for any farm with respect to which the sum of the payments computed for special crops plus items 1, 2, and 3 is less than \$20.00, the amount computed under this paragraph D will be increased by the amount of the difference.

1. 70 cents for each acre of cropland in excess of the sum of the acreages used in computing payments for wheat, potatoes, and corn.

2. \$1.80 for each acre of commercial orchards.

3. 25 cents for each acre of fenced, noncrop, open pasture land in excess of one-half of the number of acres of cropland, which is capable of maintaining during the normal pasture season at least 1 animal unit for each 5 acres.

**E.** In addition to the payment computed under paragraph D of this Sec. III, a special payment of \$15.00 may be earned by planting forest trees as provided in practice 16 below.

**F. Deduction for failure to maintain practices under previous programs.**—Where the county committee, in accordance with instructions of the State committee, determines that (1) terraces constructed, forest trees planted, or pastures established under previous agricultural conservation programs are not maintained in accordance with good farming practices, (2) seedings of perennial legumes or grasses are destroyed after producers have been informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under a previous program is destroyed in 1941 contrary to good farming practice, there will be deducted from payments which would otherwise be made with respect to the farm an amount equal to the payment which would be made under the 1941 program for a similar amount of such practices.

**G. Soil-building practices.**—The soil-building practices listed below will count toward reaching the soil-building goal, to the extent indicated herein, when carried out in the period September 1, 1940, to August 31, 1941, in accordance with good farming practice and the provisions of this bulletin.

1. **Superphosphate.**—Application of either (a) 100 pounds of AAA triple superphosphate or (b) 240 pounds of 20 percent superphosphate or its equivalent—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of superphosphate to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

2. **Other phosphate materials.**—Application of 500 pounds of basic slag, rock phosphate, or colloidal phosphate—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of such materials to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

3. **Potash.**—Application of 150 pounds of 50 percent muriate of potash or its equivalent—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pastures. Credit will not be given for the application of potash to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

4. **Liming material.**—Application of ground limestone, or its equivalent, to farmland in counties as follows—**One unit or \$1.50.**

**1200 pounds** in the counties of Allegany, Carroll, Frederick, Garrett, and Washington in Maryland;

**1000 pounds** in the counties of Baltimore, Harford, Howard, and Montgomery in Maryland;

**800 pounds** in the counties of Anne Arundel, Calvert, Cecil, Charles, Kent, Prince Georges, and St. Marys in Maryland; and New Castle in Delaware;

**600 pounds** in the counties of Caroline, Dorchester, Queen Annes, Somerset, Talbot, Wicomico, and Worcester in Maryland; and Kent and Sussex in Delaware.

The application of liming materials contained in commercial fertilizers will not qualify for credit under this practice. For purposes of this practice 150 pounds of limestone screenings, 70 pounds of hydrated lime containing at least 68 percent total oxides, or 50 pounds of burned lime containing not less than 90 percent total oxides, will be considered to be equivalent to 100 pounds of ground limestone. Ground limestone of which 95 percent or more will pass through a 20-mesh sieve will be considered as ground limestone. Such materials which do not meet the above minimum specifications will be considered as limestone screenings.

5. **Alfalfa.**—Seeding approved varieties of hardy domestic or Canadian alfalfa—**One unit or \$1.50 per acre.**

Sufficient alfalfa seed must be sown on land properly prepared, including application of sufficient liming material, superphosphate, and potash, where necessary, to assure a good stand. In case a good stand is not obtained, evidence satisfactory to the county committee must be submitted to show that the land was properly prepared.

6. **Winter legumes.**—Seeding crimson clover, vetch, or Austrian winter peas as winter cover crops—**One unit or \$1.50 per acre.**

7. **Timothy or redtop.**—Seeding timothy, redtop, or a mixture consisting solely of timothy and redtop—**One-fourth unit or 37½ cents per acre.**

8. **Other legumes and grasses.**—Seeding sericea, approved red clover, alsike clover, sweet clover, whiteclover, kudzu, crotalaria, blue grass, orchard grass, annual ryegrass, annual lespedeza, or mixtures of legumes or perennial grasses (other than a mixture consisting solely of timothy and redtop)—**One-half unit or 75 cents per acre.**

In order to qualify under practices 5, 6, 7, and 8, seeding rates must meet the requirements approved for each county by the State committee. No credit for a seeding practice will be given if it is determined by the county committee that the seed used was not adapted seed of such quality as to meet the requirements of good farming practice.

9. **Winter cover crops.**—Leaving winter cover crops on land—**One unit or \$1.50 per acre.**

A good stand and good growth of wheat on a non-wheat-allotment farm, winter oats, barley, rye, or mixtures of these crops, from which seed is not harvested by



mechanical means, must be left on the land as a temporary mulch to qualify for credit. Any crop for which payment is made under practice 10 will not qualify for credit under this practice.

**10. Green manure crops.—Turning under green manure crops—One unit or \$1.50 per acre.**

A good stand and good growth of crimson clover, vetch, Austrian winter peas, sweetclover, soybeans, cowpeas, velvetbeans, rye, winter oats, winter barley, winter wheat, or mixtures of these crops, must be plowed or disked under as green manure to qualify for credit. Any acreage of wheat plowed under for the purpose of reducing the planted acreage of wheat in connection with the 3 percent or 3-acre provision will not qualify for credit as green manure. A summer legume plowed or disked under on land subject to erosion must be followed by a winter cover crop.

Summer legumes interplanted or grown in combination with soil-depleting crops and 1941 seedings of sweetclover will not qualify for credit under this practice.

**11. Temporary mulch crops.—Leaving summer legumes on land as a temporary mulch—One unit or \$1.50 per acre.**

A good stand and good growth of soybeans from which seed is not harvested by mechanical means, cowpeas, velvetbeans, or sweetclover in orchards, must be left on the land as a temporary mulch to qualify for credit. Summer legumes interplanted or grown in combination with soil-depleting crops and 1941 seedings of sweetclover in orchards will not qualify for credit under this practice.

**12. Summer legumes interplanted.—Leaving interplanted summer legumes on land—One-fifth unit or 30 cents per acre**

A good stand and good growth of soybeans from which seed is not harvested by mechanical means, cowpeas, or velvetbeans, interplanted or grown in combination with soil-depleting crops, must be left on the land to qualify for credit.

**13. Terracing.—Construction of 200 feet of standard terrace—One unit or \$1.50.**

The spacing of terraces and terrace grades must conform with standard requirements with due consideration being given to the slope of the land and type of soil. The terrace must have a minimum width of ridge of 12 feet, measured from the edge of the bank on the lower side to the center of the water channel and a minimum height of ridge at least 16 inches above the water channel before the ridge settles. The water channel should be at least 12 feet wide. The cross section of the water channel must be at least 6 square feet after the ridge settles. Proper outlets must be provided. Water furrows, miniature terraces, and other temporary means of erosion control will not be acceptable under this practice.

**14. Contour stripcropping.—Establishment or maintenance of a system of contour stripcropping—One-fifth unit or 30 cents per acre.**

This practice will consist of the planting or maintenance of strips on the contour of cropland having an average slope of more than 5 percent. Any strips of intertilled crops (at least 30 feet and not more than 100 feet in width) must be separated by strips of close-growing crops of approximately the same width. The width of strips will become less as the percentage of slope increases. Prior approval of the county committee must be secured before performing this practice.

**15. Contour furrowing.—Contour furrowing of noncropland—One-sixth unit or 25 cents per 1,000 linear feet.**

This practice is applicable only to noncrop pasture land and permanent sod in orchards on slopes of 5 percent or more. The spacing of furrows must conform with standard requirements with due consideration being given to the slope of the land and type of soil. The furrows must be across the slope; spaced not more than 18 feet apart nor closer than 8 feet apart; and be generally within 2 percent of the actual contour. The furrow must have a mini-

imum depth of 5 inches from the bottom or sole of the furrow to the top or crown of the furrow slice. Credit will not be allowed in excess of one-half unit per acre for this practice.

**16. Forest tree planting.**—Planting approved species of forest trees or shrubs beneficial to wildlife—**Three units or \$4.50 per acre.**

The species and spacings approved for forest tree plantings are as follows:

SPECIES:	Minimum spacing (feet)	Maximum spacing (feet)
Norway spruce -----	4 x 4	8 x 8
Red spruce -----	6 x 6	7 x 7
Yellow poplar -----	6 x 6	8 x 8
Black locust -----	3 x 3	6 x 6
Red pine -----	6 x 6	7 x 7
Shortleaf pine -----	6 x 6	8 x 8
Virginia pine -----	4 x 4	6 x 6
White pine -----	6 x 6	8 x 8
Black walnut -----	6 x 6	8 x 8

The minimum spacing for Norway spruce should be used only in case of Christmas tree plantings. Minimum spacing for black locust should be used only for gully control. Plantings must be protected from fire and grazing, and cultivated sufficiently to retard native growth of weeds and undesirable species. Plantings must show a survival of not less than 700 trees per acre evenly distributed over the land on or after September 1, 1941. In the case of white pine plantings, credit will not be allowed unless any currant and gooseberry bushes present are removed from the planted area and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

The planting of not less than fifteen hundred shrubs beneficial to wildlife on two or more small tracts, consisting of less than one acre each, will be considered as an acre even though the total area may be greater than an acre. Shrubs planted for credit under this practice must be protected from fire and grazing and cultivated in accordance with good wildlife management practice.

**17. Walnut planting.**—Planting black walnuts—**Two units or \$3.00 per acre.**

At least 1,200 walnuts per acre must be planted not farther apart than 6' x 6'. Walnuts must be planted at a depth not greater than one inch and not later than April 1, 1941. Walnuts used for planting should be those collected from the ground (not stored) from the fall crop of 1940. A good stand (approximately 750 trees per acre) showing satisfactory growth, properly protected from grazing, must be secured in order to qualify for credit under this practice.

**18. Forest stand improvement.**—Improvement of stands of forest trees—**Two units or \$3.00 per acre.**

Prior approval of the county committee, including detailed instructions, must be obtained before performing this practice. The stand of forest trees to be improved must be such as to provide at least 100 trees per acre of desirable form and species, after improvement. Forest stand improvement will consist of weeding (removal of trees of undesirable species or form); thinning, when necessary, in stands where trees average 4 inches or more in diameter; and by removal of diseased snags and diseased live trees. Areas being improved must be protected from fire and from grazing. Cuttings, except for stand improvement and for such merchantable cuttings as will allow a satisfactory stand to remain, are prohibited. If white pine makes up any part of the designated minimum number of trees per acre in the stand, credit will not be allowed unless any currant and gooseberry bushes present are removed from the stand and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

**19. Firebreaks.**—Construction of firebreaks for protection of farm woodland—**One unit or \$1.50 per 1500 linear feet.**

In order to qualify under this practice the woodland must be protected from burning during the year for which payment is made and must be protected from



adjoining grassland or woodland by a barrier to fire which may be (1) a fire-break at least six feet wide cleared of all inflammable material to mineral soil or (2) a natural barrier such as a road or stream. Woodland areas must be divided into blocks of not more than 20 acres each by a firebreak. No payment will be made under this practice where controlled burning is practiced. Woodland areas qualifying for payment under practices 16, 17, and 18 will not qualify for credit under this practice.

**20. Orchard mulch.**—Application of mulching materials in orchards—**One-half unit or 75 cents per ton.**

Straw or equivalent mulching material must be evenly applied to orchard land to qualify for credit under this practice. Credit will not be allowed for the use of barnyard or stable manure as mulching material. Air-dry weight will be used in calculating the amount of mulching material for which credit will be given under this practice.

**21. Apple tree removal.**—Removal of disease-infested or uneconomic apple trees the major portion of whose fruit is of inferior quality:

- (a) For trees 5 to 12 inches in diameter—**One-fifth unit or 30 cents per tree.**
- (b) For trees more than 12 inches in diameter—**One-third unit or 50 cents per tree.**

Prior approval of the county committee must be obtained before performing this practice. Payment will be made only for the removal of live, permanent apple trees and not for the removal of filler or semi-permanent trees. Land so cleared must not be used for the growing of soil-depleting crops during the program year for which payment is made. No payment will be made for removal of trees less than 5 inches in diameter. Measurements of trunk diameter will be made approximately one foot above ground level. Payment for this practice will be available in any county upon approval of the county committee. Not more than \$15.00 per acre may be earned under this practice.

**22. Fruit or nut tree planting on contour.**—Planting of fruit or nut trees on the contour—**One unit or \$1.50 per acre.**

Prior approval of the county committee must be obtained before performing this practice. The planting of fruit or nut trees on the contour will qualify for credit under this practice only where the county committee finds that because of slope it is necessary to prevent erosion.

**23. Home garden.**—Growing a home garden for a landlord, tenant, or sharecropper family—**One unit or \$1.50 per family.**

The garden must consist of not less than one-tenth of an acre per person in the family and preferably enclosed as one unit. However, not more than one acre of garden will be required per family. Not less than ten different kinds of vegetables must be produced during the year in the garden. Approved cultural methods must be followed, including protection from insect pests. The garden must also be adequately protected from poultry and livestock. Not more than one-fourth of the garden area should be devoted to any one vegetable during any one season.

**H. Materials furnished by other agencies.**—If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no payment will be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payment will be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision

of a State or an agency thereof by an agency of the same State will not be deemed to have been furnished by a State agency within the meaning of this paragraph.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service will not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clarke-McNary Cooperative State Nursery will not be deemed to have been paid for in whole or in part by a State or Federal agency.

#### SEC. IV. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Special crop payments and deductions.**—1. The net payment or net deduction computed for any farm with respect to special crops will be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1941. Such determination will be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1941 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases, the net payment or net deduction computed for such crop will be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1941.

2. The deduction for exceeding the total soil-depleting allotment will be regarded as a pro rata deduction with respect to the payments computed in connection with special crops.

**B. Soil-building practice payments and deductions.**—1. The amount of net payment earned in carrying out soil-building practices on the farm will be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1941 program, the payment will be divided in the proportion that the units contributed by each person bear to the total units contributed by all persons. All persons contributing to the carrying-out of any soil-building practice on a particular acreage will be deemed to have contributed equally to the carrying-out of the practice unless such persons prove to the county committee that their respective contributions were not in equal proportion, in which event the payment for such practice will be divided in the proportion which the county committee determines each person contributed thereto.

2. The deduction for failure to maintain soil-building practices carried out under previous programs will be divided among the persons who the county committee determines were responsible for the failure to maintain the practices in the proportion that the county committee finds such persons were responsible.



**C. Proration of net deductions.**—If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions, the sum of the net deductions will be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments will be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

## SEC. V. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in small payments.**—The total payment computed under sections II, III, and IV for any person on any farm will be increased as follows:

1. Any payment amounting to 71 cents or less will be increased to \$1.00;
2. Any payment amounting to more than 71 cents, but less than \$1.00, will be increased by 40 percent;
3. Any payment amounting to \$1.00 or more will be increased in accordance with the following schedule:

Amount of payment	Increase in payment	Amount of payment	Increase in payment
\$1.00 to \$1.99	\$0. 40	\$32.00 to \$32.99	\$10.40
\$2.00 to \$2.99	. 80	\$33.00 to \$33.99	10. 60
\$3.00 to \$3.99	1. 20	\$34.00 to \$34.99	10. 80
\$4.00 to \$4.99	1. 60	\$35.00 to \$35.99	11. 00
\$5.00 to \$5.99	2. 00	\$36.00 to \$36.99	11. 20
\$6.00 to \$6.99	2. 40	\$37.00 to \$37.99	11. 40
\$7.00 to \$7.99	2. 80	\$38.00 to \$38.99	11. 60
\$8.00 to \$8.99	3. 20	\$39.00 to \$39.99	11. 80
\$9.00 to \$9.99	3. 60	\$40.00 to \$40.99	12. 00
\$10.00 to \$10.99	4. 00	\$41.00 to \$41.99	12. 10
\$11.00 to \$11.99	4. 40	\$42.00 to \$42.99	12. 20
\$12.00 to \$12.99	4. 80	\$43.00 to \$43.99	12. 30
\$13.00 to \$13.99	5. 20	\$44.00 to \$44.99	12. 40
\$14.00 to \$14.99	5. 60	\$45.00 to \$45.99	12. 50
\$15.00 to \$15.99	6. 00	\$46.00 to \$46.99	12. 60
\$16.00 to \$16.99	6. 40	\$47.00 to \$47.99	12. 70
\$17.00 to \$17.99	6. 80	\$48.00 to \$48.99	12. 80
\$18.00 to \$18.99	7. 20	\$49.00 to \$49.99	12. 90
\$19.00 to \$19.99	7. 60	\$50.00 to \$50.99	13. 00
\$20.00 to \$20.99	8. 00	\$51.00 to \$51.99	13. 10
\$21.00 to \$21.99	8. 20	\$52.00 to \$52.99	13. 20
\$22.00 to \$22.99	8. 40	\$53.00 to \$53.99	13. 30
\$23.00 to \$23.99	8. 60	\$54.00 to \$54.99	13. 40
\$24.00 to \$24.99	8. 80	\$55.00 to \$55.99	13. 50
\$25.00 to \$25.99	9. 00	\$56.00 to \$56.99	13. 60
\$26.00 to \$26.99	9. 20	\$57.00 to \$57.99	13. 70
\$27.00 to \$27.99	9. 40	\$58.00 to \$58.99	13. 80
\$28.00 to \$28.99	9. 60	\$59.00 to \$59.99	13. 90
\$29.00 to \$29.99	9. 80	\$60.00 to \$185.99	14. 00
\$30.00 to \$30.99	10. 00	\$186.00 to \$199.99	(1)
\$31.00 to \$31.99	10. 20	\$200.00 and over	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

**B. Payments limited to \$10,000.**—The total of all payments made in connection with programs for 1941 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made.

All or any part of any payment which has been or otherwise would be made to any person under the 1941 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions incurred on other farms.**—1. If the deductions computed for any farm in a county exceed the payment computed for the farm, a person's share of the amount by which the deduction exceeds the payments shall be deducted from the person's share of the payment which would otherwise be made to him for performance on any other farms in the county.

2. If the deductions computed for a person for one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which the net deductions are computed substantially offset the contribution to the program made on other farms.

**D. Deduction for association expenses.**—There shall be deducted pro rata from the payments for any farm all or such part as the Secretary may prescribe of the estimated administrative expenses of the county agricultural conservation association in the county in which the farm is located.

**E. Payments restricted to purposes of program.**—All or any part of any payment which otherwise would be made to any person under the 1941 program may be withheld, or required to be returned—

1. If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1941 or previous agricultural conservation programs;

2. If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which the payment is otherwise authorized; or

3. If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress



any such woods fire will be considered as intentional burning), or if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10 inches for coniferous species, and approximately 14 inches for hardwood species, except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

**F. Farms not operated.**—Only payments in connection with soil-building practices will be made with respect to farms which are not being operated in 1941.

**G. Payment made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph I of this section, advances for crop insurance premiums for the farm, and indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**H. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1941 program than would have been made to the landlord or operator for performance on the farm under the 1940 program, payments to the landlord or operator under the 1941 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1940 had been continued in 1941, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the three years 1938 to 1940 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph H is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for payment under the 1941 program has employed any other scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require the person to refund, in whole or in part, the amount of any payment which has been or

would otherwise be made to the person in connection with the 1941 program.

**I. Assignments.**—Any person who may be entitled to any payment in connection with the 1941 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1941. No such assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A. and unless such assignment is entitled to priority, as determined under instructions issued by the A. A. A. governing recording of such assignments.

Nothing contained in this paragraph I shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

**J. Excess cotton acreage.**—Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1941 on acreage in excess of the cotton allotment for the farm for 1941 will not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1941 program.

**K. Deductions in case of erroneous notice of acreage allotment.**—Notwithstanding the deduction provisions of section II, in any case where, through error in a county or State office, the producer was officially notified of an allotment for a commodity larger than the finally approved allotment for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued.

#### SEC. VI. CONSERVATION MATERIALS FURNISHED BY A. A. A. TO CARRY OUT SOIL-BUILDING PRACTICES

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, and terracing services may be furnished by the Agricultural Adjustment Administration to be used in carrying out approved soil-building practices on the farm in lieu of payments.

Wherever such materials or services are furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made.



The deduction for materials or services shall be made from payment due the person who obtained the materials or services on the same or any other farm in the county. In the event the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary: *Provided*, That deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished.

Notwithstanding any other provision herein, for any farm (1) for which no deductions are applicable and (2) for which no application for payment is filed or if an application is filed no net payment would be computed except for the use of conservation materials or services, the materials or services furnished by the Agricultural Adjustment Administration shall be in lieu of payments which might be computed for the farm.

#### SEC. VII. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment for a farm may be made by any person who, under the provisions of Section IV, shares in the payment which may be computed for the farm and (1) who is determined by the county committee to be entitled, as of the time of harvest, to share in any of the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1941 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office on or before January 31, 1942. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee, and making copies of the same available to the press.

**C. Application for other farms.**—If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

## SEC. VIII. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters affecting any farm in which he has an interest: (a) Eligibility to file an application for payment; (b) any allotment, usual acreage, yield, measurement, or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of the written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify the person in writing of its decision within 30 days after the submission of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after the decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person, who as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

## SEC. IX. DEFINITIONS

For the purposes of the 1941 program—

**Secretary** means the Secretary of Agriculture of the United States.

**Administrator** means the Administrator of the Agricultural Adjustment Administration.

**Regional Director** means the Director of the East Central Division of the Agricultural Adjustment Administration.

**State committee** means the groups of persons designated to assist in the administration of the agricultural conservation program in Maryland and Delaware.

**County committee** means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county.

**East Central Region** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**Person** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.



**Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

**Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Cropland** means farm land which in 1940 was tilled or was in regular rotation, excluding any land in commercial orchards.

**Noncrop, open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**Commercial orchards** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm excluding nonbearing orchards and vineyards), from which the major part of the production is normally sold.

**Special crop** means wheat, potatoes, corn (in commercial corn counties), or commercial vegetables.

**Special crop allotment** means a wheat, potato, corn or commercial vegetable acreage allotment.

**Animal unit** means 1 cow, 1 horse, 5 sheep, 5 goats, 2 calves, or 2 colts, or the equivalent thereof.

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee determines is operated by the same person as a part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land, and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**Soil-depleting acreage** means the acreage of land devoted during the 1941 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted) :

1. Corn, including sweet corn and popcorn, planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).

2. Tobacco harvested for any purpose.

3. Grain sorghums planted for any purpose.

4. Broomcorn planted for any purpose.

5. Potatoes planted for any purpose except when grown in home gardens for use on the farm.

6. Annual truck and vegetable crops planted for any purpose and perennial vegetables harvested for any purpose except when grown in home gardens for use on the farm.

7. Strawberries harvested for any purpose except when grown in home gardens for use on the farm.

8. Commercial bulbs and flowers, including cultivated sunflowers, harvested for any purpose.

9. Peas planted for canning, freezing, or dried peas, except when grown in home gardens for use on the farm.

10. Flax planted for any purpose except when used as a nurse crop for perennial legumes or perennial grasses which are seeded in a workmanlike manner.

11. Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.

12. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.

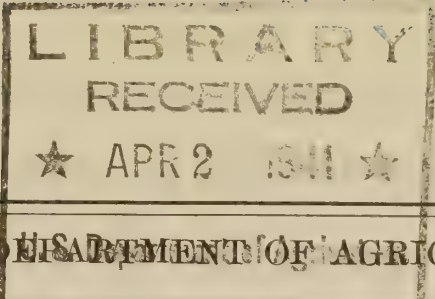
13. Wheat (on non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when such crops are (1) used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay, or (2) seeded in a mixture containing at least 25 percent by weight of winter legume seeds and harvested for hay.

14. Buckwheat, sweet sorghums, Sudan grass, or millet, harvested for any purpose.





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yes, ECR  
ERC-501-N. C.



December 1940

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
EAST CENTRAL DIVISION

1941 AGRICULTURAL CONSERVATION PROGRAM  
NORTH CAROLINA

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AUTHORITY AND APPLICABILITY

The 1941 Agricultural Conservation Program Bulletin (ACP-1941, referred to herein as the national bulletin) issued by the Secretary of Agriculture on August 20, 1940, and amendments thereto, contain the provisions of the 1941 program for the United States. This bulletin (ECR-501-N. C.) restates in a simplified form and in more general terms the provisions of the national bulletin which are applicable in the State of North Carolina, and also contains certain of the determinations authorized by the national bulletin, which is controlling.

The provisions of the 1941 program are necessarily subject to any legislation which Congress may enact. Payments and conservation materials will be limited by the amount of Congressional appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.



The provisions of the 1941 program contained herein are applicable to all land in the State of North Carolina, except (1) land owned by the United States which is administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of the Interior; and (2) other lands owned by the United States or any corporation wholly owned by the United States which were acquired or reserved for conservation purposes or are to be retained permanently under such Government or corporation ownership.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations. The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land will include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

#### SECTION I. ALLOTMENTS AND YIELDS FOR STATE, COUNTIES, AND FARMS

**A. State allotments.**—State allotments for wheat, tobacco, cotton, potatoes, and peanuts will be established by the Secretary.

**B. County allotments.**—In general, the respective State allotments will be apportioned among the counties, taking into consideration the acreage normally devoted to these crops, abnormal conditions, and trends.

**C. Farm allotments.**—The county committee, with the assistance of other local committees, will determine farm allotments, permitted acreages, and usual acreages in accordance with instructions issued by the A. A. A.

**D. Farm normal yields.**—The county committee, with the assistance of other local committees, will determine for each farm, in accordance with applicable instructions, a normal yield per acre for each special crop (except for commercial vegetables) for which an allotment is established or a deduction is computed. The weighted average yield for each such crop for all farms in a county will not exceed the normal yield established for such crop for the county.

#### SEC. II. COMMODITIES—PAYMENTS AND DEDUCTIONS

##### A. WHEAT

**1. National goal.**—The 1941 national goal for wheat is 62,000,000 acres.

**2. Payment.**—

(a) On a wheat-allotment farm the payment is 8 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

(b) On a non-wheat-allotment farm the payment will be included in the payment computed for cropland to be earned in connection with soil-building practices.

**3. Deduction.**—A deduction of **50 cents** per bushel of the normal yield of wheat for the farm will be made—

(a) **On a wheat-allotment farm** for each acre planted to wheat in excess of the wheat allotment.

(b) **On a non-wheat-allotment farm** for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of the largest of (a) the usual acreage of wheat, (b) 10 acres, or (c) if no wheat is marketed from the farm, 3 acres per family on the farm.

**4. Non-wheat-allotment farm** means a farm for which (a) no wheat allotment is determined or (b) a wheat allotment is determined and the persons having an interest in the wheat on the farm elected prior to August 31, 1940, to have such farm considered as a non-wheat-allotment farm in 1941.

**5. Acreage planted to wheat** means (a) any acreage of land seeded to wheat (except when such crop is seeded in a mixture containing less than 50 percent by weight of wheat or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed; and (b) any acreage of land which is seeded to a mixture containing wheat designated under (a) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That an acreage not in excess of the larger of 3 acres or 3 percent of the allotment, unintentionally planted in excess of the allotment, will not be considered as planted to wheat if plowed under prior to May 15, 1941, or clipped between April 15 and May 15, 1941, and left on the land.

## B. TOBACCO

**1. National goal.**—The 1941 national goal for—

(a) flue-cured tobacco is 750,000 to 800,000 acres, and

(b) Burley tobacco is 370,000 to 390,000 acres.

**2. Payment.**—The payment per pound of the normal yield of tobacco for the farm for each acre in the tobacco allotment is—

(a) **0.8 cent** for flue-cured, and

(b) **0.8 cent** for Burley.

**3. Deduction.**—A deduction will be made at the rate of **8 cents** per pound of the normal yield of tobacco for the farm for each acre harvested in excess of the applicable tobacco allotment.

## C. COTTON

**1. National goal.**—The 1941 national goal for cotton is 27,000,000 to 29,000,000 acres.

**2. Payment.**—The payment is **1.37 cents** per pound of the normal yield of cotton for the farm for each acre in the cotton allotment. No payment will be made with respect to cotton on a farm on which cotton was not planted in any of the years 1938, 1939, and 1940.

**3. Deduction.**—A deduction of **4 cents** per pound of the normal yield of cotton for the farm will be made for each acre planted to cotton in excess of the cotton allotment or permitted acreage.

**4. Acreage planted to cotton** means the acreage of land seeded to cotton, except that (a) if any acreage in excess of the allotment or



permitted acreage is disposed of before reaching the stage of growth at which bolls are first formed, (b) if notice of the amount of excess acreage is not given 10 days prior to the time bolls are first formed, but such excess acreage is disposed of within 10 days after such notice, or (c) if substantially all of the cotton produced on a particular acreage is determined to be cotton the staple of which is  $1\frac{1}{2}$  inches or more in length;—then, such acreage will not be considered as planted to cotton.

#### D. COMMERCIAL POTATOES

The commercial potato counties are: Beaufort, Camden, Carteret, Craven, Currituck, Duplin, Edgecombe, Martin, Pamlico, Pasquotank, Pitt, Sampson, Tyrrell, Washington, and Wayne.

1. **National goal.**—The 1941 national goal for potatoes is 3,100,000 to 3,300,000 acres.

2. **Farm allotments.**—A potato allotment will be determined for each farm, in the above counties, for which the normal acreage of potatoes for market is determined to be 3 acres or more.

3. **Payment.**—The payment is **2.3 cents** per bushel of the normal yield of potatoes for the farm for each acre in the potato allotment.

4. **Deduction.**—In commercial potato counties a deduction of **30 cents** per bushel of the normal yield of potatoes for the farm will be made—

(a) **On a potato allotment farm** for each acre planted to potatoes in excess of the potato allotment.

(b) **On a farm for which no potato allotment is determined** for each acre planted to potatoes for market in excess of 3 acres.

5. **Acreage planted to potatoes** means the acreage of land on which potatoes are planted, except (a) when grown in home gardens for use on the farm, and (b) that all or any part of any potato acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to potatoes on the farm, may be considered as not having been planted.

#### E. PEANUTS

1. **National goal.**—The 1941 national goal for peanuts is 1,575,000 to 1,625,000 acres.

2. **Payment.**—The payment is **0.1125 cent** per pound of the normal yield per acre of peanuts for the farm for each acre in the peanut allotment.

3. **Deduction.**—A deduction of **1.5 cents** per pound of the normal yield per acre of peanuts for the farm will be made for each acre of peanuts for market in excess of the peanut allotment.

4. **Peanuts for market** means all peanuts harvested for nuts on any farm for which an allotment is determined, and for any other farm, all peanuts harvested for nuts if any peanuts are separated from the vines by mechanical means and any peanuts are sold to persons not living on the farm.

#### F. COMMERCIAL VEGETABLES

The commercial vegetable counties are: Beaufort, Camden, Carteret, Chowan, Columbus, Craven, Currituck, Duplin, Gates, Henderson,

Hyde, New Hanover, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Washington, and Wayne

1. **Farm allotments.**—A commercial vegetable allotment will be determined for each farm in the above counties on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. No vegetable allotment will be determined which is less than 3 acres.

2. **Payment.**—The payment is \$1.30 for each acre in the commercial vegetable allotment determined for the farm, or, if the acreage of commercial vegetables is less than 80 percent of the farm's commercial vegetable allotment, for an acreage equal to 125 percent of the acreage of commercial vegetables unless the county committee finds that the acreage of commercial vegetables is less than 80 percent of such allotment because of flood or drought.

3. **Deduction.**—In commercial vegetable counties a deduction will be made at the rate of \$20.00 for each acre of land devoted to commercial vegetables in excess of the larger of (a) the commercial vegetable allotment determined for the farm or (b) 3 acres.

4. **Commercial vegetables** means the planted acreage of annual vegetable or truck crops and the harvested acreage of perennial vegetables, of which any portion of the production is sold or intended to be sold to persons not living on the farm, except (1) such crops grown in home gardens for use on the farm; (2) potatoes in commercial potato counties; and (3) dried beans, cowpeas, blackeyed peas, bulbs and flowers, watermelons, cantaloupes, strawberries, sweet potatoes, peas for canning or freezing, and sweet corn for canning: *Provided*, That all or any part of any vegetable acreage totally destroyed by flood, freeze, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to vegetables on the farm, may be considered as not having been planted.

G. **Special crop payments restricted to percentage of soil-building allowance earned.**—The payment made with respect to special crops shall not exceed a percentage of the net payment earned with respect to such crops equal to the percentage which the soil-building payment earned on the farm is of the soil-building allowance, as determined prior to increase provided in paragraph D of section III, except that, such limitation will not be applicable if the amount of the soil-building payment earned on the farm is equal to or exceeds the total special crop payment earned.

The amount of the deductions made from farm payments under the provisions of this paragraph G, as estimated by the Agricultural Adjustment Administration, shall be available for use in the county where deducted for administrative expenses and for conservation materials for which a soil-building practice payment will not be made and for which no deduction from payments will be made if the material is properly used.

### SEC. III. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

A. **National goal.**—The 1941 national soil-building goal is (1) the conservation of cropland not required in 1941 for the growing of soil-depleting crops, and (2) the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent erosion.

B. **County goals.**—County goals may be established for particular



soil-building practices which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that soil-building payments will be used most effectively to bring about added conservation and to secure the carrying-out of soil-building practices most needed on farms in the county.

The county committee, with the approval of the State committee, may specify for any group of farms in the county a proportion of the soil-building payment which may be earned only by carrying-out designated soil-building practices which are most needed and are not routine.

**C. Farm goals.**—The soil-building goal for any farm will be 1 unit of applicable soil-building practices for each \$1.50 computed for the farm under paragraph D below. The county committee will assist farmers in determining practices, other than routine farming practices, that are most needed to conserve and improve soil fertility and prevent erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**D. Payment.**—For each farm the payment which may be earned in connection with soil-building practices is the sum of the amounts computed under items 1, 2, and 3 of this paragraph D: *Provided*, That for any farm with respect to which the sum of the payments computed for special crops plus items 1, 2, and 3 is less than \$20.00, the amount computed under this paragraph D will be increased by the amount of the difference.

1. 60 cents for each acre of cropland in excess of the sum of the acreages used in computing payments for wheat, tobacco, cotton, potatoes, and peanuts.

2. \$1.80 for each acre of commercial orchards.

3. 25 cents for each acre of fenced, noncrop, open pasture land in excess of one-half of the number of acres of cropland, which is capable of maintaining during the normal pasture season at least 1 animal unit for each 5 acres.

**E.** In addition to the payment computed under paragraph D of this sec. III, a special payment of \$15.00 may be earned by planting forest trees as provided in practice 15 below.

**F. Deduction for failure to maintain practices under previous programs.**—Where the county committee, in accordance with instructions of the State committee, determines that (1) terraces constructed, forest trees planted, or pastures established under previous agricultural conservation programs are not maintained in accordance with good farming practices, (2) seedings of perennial legumes or grasses are destroyed after producers have been informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under a previous program is destroyed in 1941 contrary to good farming practice, there will be deducted from payments which would otherwise be made with respect to the farm an amount equal to the payment which would be made under the 1941 program for a similar amount of such practices.

**G. Soil-building practices.**—The soil-building practices listed below will count toward reaching the soil-building goal, to the extent indicated herein, when carried out in the period November 1, 1940,

to October 31, 1941, in accordance with good farming practice and the provisions of this bulletin.

1. **Superphosphate.**—Application of either (a) 100 pounds of AAA triple superphosphate or (b) 240 pounds of 20 percent superphosphate or its equivalent.—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of superphosphate to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

2. **Other phosphate materials.**—Application of 500 pounds of basic slag, rock phosphate, or colloidal phosphate.—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of such materials to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

3. **Potash.**—Application of 150 pounds of 50 percent muriate of potash or its equivalent.—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of potash to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

4. **Liming materials.**—Application of ground limestone, or its equivalent, to farmland in counties as follows.—**One unit or \$1.50.**

- (a) 2000 pounds in the counties of Graham, Swain, and Watauga;
- (b) 1500 pounds in the counties of Alamance, Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Durham, Forsyth, Gaston, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Orange, Person, Polk, Randolph, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Transylvania, Union, Wilkes, Yadkin, and Yancy;
- (c) 1200 pounds in all other counties.

The application of liming materials contained in commercial fertilizers will not qualify for credit under this practice. For purposes of this practice 150 pounds of limestone screenings, or 70 pounds of hydrated or burned lime will be considered to be equivalent to 100 pounds of ground limestone. Ground limestone of which 90 percent or more will pass through a 10-mesh sieve will be considered as ground limestone. Such material, of which less than 90 percent will pass through a 10-mesh sieve, will be considered as limestone screenings.

5. **Alfalfa, crotalaria, or sericea.**—Seeding approved varieties of hardy domestic or Canadian alfalfa, crotalaria, or sericea.—**One unit or \$1.50 per acre.**

Sufficient alfalfa, crotalaria, or sericea seed must be sown on land properly prepared, including the application of sufficient liming material, superphosphate, and potash, where necessary, to assure a good stand. In case a good stand is not obtained, evidence satisfactory to the county committee must be submitted to show that the land was properly prepared.



6. **Winter legumes.**—Seeding crimson clover, bur clover, vetch, or Austrian winter peas as winter cover crops.—**One unit or \$1.50 per acre.**
7. **Timothy or redtop.**—Seeding timothy, redtop, or a mixture consisting solely of timothy and redtop.—**One-fourth unit or 37½ cents per acre.**
8. **Other legumes and grasses.**—Seeding approved red clover, alsike clover, sweet clover, white clover, kudzu, blue grass, orchard grass, Dallis grass, annual ryegrass, annual lespedeza, or mixtures of legumes or perennial grasses (other than a mixture consisting solely of timothy and redtop).—**One-half unit or 75 cents per acre.**

In order to qualify under practices 5, 6, 7, and 8, seeding rates must meet the requirements approved for each county by the State committee. No credit for a seeding practice will be given if it is determined by the county committee that the seed used was not adapted seed of such quality as to meet the requirements of good farming practice.

9. **Winter cover crops.**—Leaving winter cover crops on land.—**One unit or \$1.50 per acre.**

A good stand and good growth of wheat on a non-wheat-allotment farm, winter oats, barley, rye, or mixtures of these crops, from which seed is not harvested by mechanical means, must be left on the land as a temporary mulch to qualify for credit. Any crop for which payment is made under practice 10 will not qualify for credit under this practice.

10. **Green manure crops.**—Turning under green manure crops.—**One unit or \$1.50 per acre.**

A good stand and good growth of crimson clover, vetch, Austrian winter peas, sweet clover, soybeans, cowpeas, velvetbeans, rye, winter oats, winter barley, winter wheat, or mixtures of these crops, must be plowed or disked under as green manure to qualify for credit. Any acreage of wheat plowed under for the purpose of reducing the planted acreage of wheat in connection with the 3 percent or 3-acre provision will not qualify for credit as green manure. A summer legume plowed or disked under on land subject to erosion must be followed by a winter cover crop.

Summer legumes interplanted or grown in combination with soil-depleting crops and 1941 seedings of sweet clover will not qualify for credit under this practice.

11. **Temporary mulch crops.**—Leaving summer legumes on land as a temporary mulch.—**One unit or \$1.50 per acre.**

A good stand and good growth of soybeans from which seed is not harvested by mechanical means, cowpeas, velvetbeans, or sweet clover in orchards, must be left on the land as a temporary mulch to qualify for credit. Summer legumes interplanted or grown in combination with soil-depleting crops and 1941 seedings of sweet clover in orchards will not qualify for credit under this practice.

12. **Summer legumes interplanted.**—Leaving interplanted summer legumes on land.—**One-fifth unit or 30 cents per acre.**

A good stand and good growth of soybeans from which seed is not harvested by mechanical means, cowpeas, or velvetbeans, interplanted or grown in combination with soil-depleting crops, must be left on the land to qualify for credit.

**13. Terracing.**—Construction of 200 feet of standard terrace.—**One unit or \$1.50.**

The spacing of terraces and terrace grades must conform with standard requirements with due consideration being given to the slope of the land and type of soil. The terrace must have a minimum width of ridge of 12 feet, measured from the edge of the bank on the lower side to the center of the water channel and a minimum height of ridge at least 16 inches above the water channel before the ridge settles. The water channel should be at least 12 feet wide. The cross section of the water channel must be at least 6 square feet after the ridge settles. Proper outlets must be provided. Water furrows, miniature terraces, and other temporary means of erosion control will not be acceptable under this practice.

**14. Contour stripcropping.**—Establishment or maintenance of a system of contour stripcropping.—**One-fifth unit or 30 cents per acre.**

This practice will consist of the planting or maintenance of strips on the contour of cropland having an average slope of more than 5 percent. Any strips of inter-tilled crops (at least 30 feet and not more than 100 feet in width) must be separated by strips of close-growing crops of approximately the same width. The width of strips will become less as the percentage of slope increases. Prior approval of the county committee must be secured before performing this practice.

**15. Forest tree planting.**—Planting approved species of forest trees or shrubs beneficial to wildlife.—**Three units or \$4.50 per acre.**

The species and spacings approved for forest tree plantings are as follows:

Species	Minimum spacing	Maximum spacing
	<i>Feet</i>	<i>Feet</i>
Loblolly pine.....	6 x 7	7 x 7
Longleaf pine.....	6 x 7	7 x 7
Shortleaf pine.....	6 x 6	6 x 7
Slash pine.....	6 x 7	7 x 7
White pine.....	6 x 6	6 x 7
Pitch pine.....	6 x 6	6 x 7
Black locust.....	5 x 5	6 x 7
White ash.....	6 x 7	7 x 7
Red cedar.....	5 x 5	6 x 7
Cypress.....	6 x 7	7 x 7
Norway spruce.....	5 x 5	7 x 7
Yellow poplar.....	6 x 7	7 x 7

The minimum spacing for Norway Spruce and Red Cedar should be used only in case of Christmas tree plantings. Minimum spacing for Black Locust should be used only for gully control. Plantings must be protected from fire and grazing, and cultivated where practical and needed. Plantings must show a survival of not less than 700 trees per acre evenly distributed over the land on or after September 1, 1941. In the case of white pine plantings, credit will not be allowed unless any currant and gooseberry bushes present are removed from the planted area and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

Shrubs planted for credit under this practice must be protected from fire and grazing and cultivated in accordance with good wildlife management practice.



**16. Forest stand improvement.**—Improvement of stands of forest trees.—Two units or \$3.00 per acre.

Prior approval of the county committee, including detailed instructions, must be obtained before performing this practice. Forest stand improvement will consist of weeding (removal of trees of undesirable species or form); thinning, when necessary, in stands where trees average 4 inches or more in diameter; and by removal of diseased snags and diseased live trees. At least 100 desirable trees per acre, uniformly distributed, must remain after improvement to qualify for credit. Areas being improved must be protected from fire and from grazing. Cuttings, except for stand improvement and for such merchantable cuttings as will allow a satisfactory stand to remain, are prohibited. If white pine makes up any part of the designated minimum number of trees per acre in the stand, credit will not be allowed unless any currant and gooseberry bushes present are removed from the stand and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

**17. Firebreaks.**—Construction of firebreaks for protection of farm woodland.—One unit or \$1.50 per 1,500 linear feet.

In order to qualify under this practice the woodland must be protected from burning during the year for which payment is made and must be protected from adjoining grassland or woodland by a barrier to fire which may be (1) a firebreak at least six feet wide cleared of all inflammable material to mineral soil or (2) a natural barrier such as a road or stream. Woodland areas must be divided into blocks of not more than 20 acres each by a firebreak. No payment will be made under this practice where controlled burning is practiced. Woodland areas qualifying for payment under practices 15 and 16 will not qualify for credit under this practice.

**18. Orchard mulch.**—Application of mulching materials in orchards.—One-half unit or 75 cents per ton.

Straw or equivalent mulching material must be evenly applied to orchard land to qualify for credit under this practice. Credit will not be allowed for the use of barnyard or stable manure as mulching material. Air-dry weight will be used in calculating the amount of mulching material for which credit will be given under this practice.

**19. Apple tree removal.**—Removal of disease-infested or uneconomic apple trees the major portion of whose fruit is of inferior quality:

- (a) For trees 5 to 12 inches in diameter.—One-fifth unit or 30 cents per tree.
- (b) For trees more than 12 inches in diameter.—One-third unit or 50 cents per tree.

Prior approval of the county committee must be obtained before performing this practice. Payment will be made only for the removal of live, permanent apple trees and not for the removal of filler or semi-permanent trees. Land so cleared must not be used for the growing of soil-depleting crops during the program year for which payment is made. No payment will be made for removal of trees less than 5 inches in diameter. Measurements of trunk diameter will be made approximately one foot above ground level. Payment for this practice will be available in any county upon approval of the county committee. Not more than \$15.00 per acre may be earned under this practice.

**20. Fruit or nut tree planting on contour.**—Planting of fruit or nut trees on the contour.—One unit or \$1.50 per acre.

Prior approval of the county committee must be obtained before performing this practice. The planting of fruit or nut trees on the contour will qualify for credit under this practice only where the county committee finds that because of slope it is necessary to prevent erosion.

**21. Home Garden.**—Growing a home garden for a landlord, tenant, or sharecropper family.—**One unit or \$1.50 per family.**

The garden must consist of not less than one-tenth of an acre per person in the family and preferably enclosed as one unit. However, not more than one acre of garden will be required per family. Not less than ten different kinds of vegetables must be produced during the year in the garden. Approved cultural methods must be followed, including protection from insect pests. The garden must also be adequately protected from poultry and livestock. Not more than one-fourth of the garden area should be devoted to any one vegetable during any one growing season.

**H. Materials furnished by other agencies.**—If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no payment will be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payment will be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or any agency thereof by an agency of the same State will not be deemed to have been furnished by a State agency within the meaning of this paragraph.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service will not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery will not be deemed to have been paid for in whole or in part by a State or Federal agency.

**SEC. IV. DIVISION OF PAYMENTS AND DEDUCTIONS**

**A. Special crop payments and deductions.**—1. The net payment or net deduction computed for any farm with respect to special crops will be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1941. Such determination will be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1941 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases the net payment or net deduction computed for such crop will be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1941: *Provided further*, That if for any reason the total acreage of cotton on the farm in 1941 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1941 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally



grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm will be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1941, but in no event will the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941.

2. The deduction for insufficient soil-building performance will be regarded as a pro rata deduction with respect to the payments computed in connection with special crops.

**B. Soil-building practice payments and deductions.**—1. The amount of net payment earned in carrying-out soil-building practices on the farm will be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1941 program, the payment will be divided in the proportion that the units contributed by each person bear to the total units contributed by all persons. All persons contributing to the carrying-out of any soil-building practice on a particular acreage will be deemed to have contributed equally to the carrying-out of the practice unless such persons prove to the county committee that their respective contributions were not in equal proportion, in which event the payment for such practice will be divided in the proportion which the county committee determines each person contributed thereto.

2. The deduction for failure to maintain soil-building practices carried out under previous programs will be divided among the persons who the county committee determines were responsible for the failure to maintain the practices in the proportion that the county committee finds such persons were responsible.

**C. Proration of net deductions.**—If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions, the sum of the net deductions will be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments will be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

## SEC. V. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in small payments.**—The total payment computed under sections II, III, and IV for any person on any farm will be increased as follows:

1. Any payment amounting to 71 cents or less will be increased to \$1.00;

2. Any payment amounting to more than 71 cents, but less than \$1.00, will be increased by 40 percent;

3. Any payment amounting to \$1.00 or more will be increased in accordance with the following schedule:

Amount of payment	Increase in payment	Amount of payment	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	(1)
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

**B. Payments limited to \$10,000.**—The total of all payments made in connection with programs for 1941 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made.

All or any part of any payment which has been or otherwise would be made to any person under the 1941 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate,



trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions incurred on other farms.**—1. If the deductions computed for any farm in a county exceed the payment computed for the farm, a person's share of the amount by which the deduction exceeds the payments shall be deducted from the person's share of the payment which would otherwise be made to him for performance on any other farms in the county.

2. If the deductions computed for a person for one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which the net deductions are computed substantially offset the contribution to the program made on other farms.

**D. Deduction for association expenses.**—There shall be deducted pro rata from the payments for any farm all or such part as the Secretary may prescribe of the estimated administrative expenses of the county agricultural conservation association in the county in which the farm is located.

**E. Payments restricted to purposes of program.**—All or any part of any payment which otherwise would be made to any person under the 1941 program may be withheld, or required to be returned—

1. If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1941 or previous agricultural conservation programs;

2. If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which the payment is otherwise authorized; or

3. If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning), or if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10 inches for coniferous species, and approximately 14 inches for hardwood species, except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

Practices which tend to defeat the purposes of the 1941 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

- (1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease, or by an oral or written agreement supplementary to such lease, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any government payment which the tenant or sharecropper has received or is to receive for participating in the 1941 Agricultural Conservation Program.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the customary rental, a sum of money or any thing or service of value equivalent to all or a portion of the government payment which may be, is being, or has been earned by the tenant or sharecropper.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to the landlord or operator with respect to the farm.

- (3) A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1941 Agricultural Conservation program; or knowingly shows incorrectly his or their acreage shares of a crop, or share of soil-building practices, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of payments to which they are entitled.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (4) A landlord or operator requires his tenant or sharecropper to execute an assignment, ostensibly covering advances of money or supplies to make a current crop, but actually for a purpose not permitted by the Assignment regulations.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (5) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but substantially offsets such performance by the farming operations of a partnership, association, estate, corporation, trust, or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

**Amount to be withheld or refunded:** All the payments which have been or otherwise would be made to a person who adopts such practices.

- (6) A partnership, association, estate, corporation, trust, or other business enterprise (in which a particular individual is interested) carried on its operations so as to qualify for payment, but one of the persons who is in position to control the operations or policies of such partnership, association, estate, corporation, trust, or other business enterprise substantially offsets such performance by such person's individual operations.

**Amount to be withheld or refunded:** The individual's payments shall be forfeited and the payments to the partnership, association, estate, corporation, trust, or other business enterprise shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.



- (7) A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm in another State.

**Amount to be withheld or refunded:** The net amount of the deduction which would be computed for the person for such overplanting if the farms were in the same State.

- (8) A person rents land for cash, standing or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.

**Amount to be withheld or refunded:** The net amount of the deduction which would be computed if the person were entitled to receive all the crops produced on the rented land.

- (9) A person participates in the production of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the production of a crop if the committee finds that he furnished either machinery, workstock, or financial assistance for the production of such crop and that he has a financial interest in such crop.)

**Amount to be withheld or refunded:** The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops produced.

- (10) A tenant, in settling his obligations under a rental contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord the whole or any part of any payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the Regional Director.

**Amount to be withheld or refunded:** The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by the landlord the whole of the payment with respect to all of his farms under the program involved: Provided, however, where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's payments shall be withheld or recovered.

- (11) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the payment that would otherwise be made to the tenant or sharecropper with respect to such crop.

**Amount to be withheld or refunded:** The entire payment which has been or would otherwise be made to such landlord or operator with respect to the farm.

- (12) A person misuses or participates in the misuse of a cotton marketing card or fails to file any report required by or under the regulations pertaining to cotton marketing quotas for the

1940-41 or 1941-42 marketing year and such misuse or failure to file such report results in erroneous or incomplete records pertaining to any farm in connection with cotton marketing quotas and fails to complete or correct such records.

**Amount to be withheld or refunded:** The entire payment which has been or would otherwise be made to such person with respect to the farm.

**F. Farms not operated.**—Only payments in connection with soil-building practices will be made with respect to farms which are not being operated in 1941.

**G. Payment made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph I of this section, advances for crop insurance premiums for the farm, and indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**H. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1941 program than would have been made to the landlord or operator for performance on the farm under the 1940 program, payments to the landlord or operator under the 1941 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1940 had been continued in 1941, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the three years 1938 to 1940 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph H is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for payment under the 1941 program has employed any other scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require the person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to the person in connection with the 1941 program.



**I. Assignments.**—Any person who may be entitled to any payment in connection with the 1941 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1941. No such assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A. and unless such assignment is entitled to priority, as determined under instructions issued by the A. A. A. governing recording of such assignments.

Nothing contained in this paragraph I shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

**J. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1941 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1941 on land in any farm in which he has an interest in excess of the cotton allotment determined for the farm for 1941, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1941 on acreage in excess of the cotton allotment for the farm for 1941 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1941 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1941 on an acreage in excess of the cotton allotment for the farm for 1941 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1941.

**K. Deductions in case of erroneous notice of acreage allotment.**—Notwithstanding the deduction provisions of section II, in any case where, through error in a county or State office, the producer was officially notified of an allotment for a commodity larger than the finally approved allotment for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued.

**SEC. VI. CONSERVATION MATERIALS FURNISHED BY A. A. A. TO CARRY OUT SOIL-BUILDING PRACTICES**

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, and terracing services may be furnished by the Agricultural Adjustment Administration to be used in carrying out approved soil-building practices on the farm in lieu of payments.

Wherever such materials or services are furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made.

The deduction for materials or services shall be made from payment due the person who obtained the materials or services on the same or any other farm in the county. In the event the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary: *Provided*, That deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished.

Notwithstanding any other provision herein, for any farm (1) for which no deductions are applicable and (2) for which no application for payment is filed or if an application is filed no net payment would be computed except for the use of conservation materials or services, the materials or services furnished by the Agricultural Adjustment Administration shall be in lieu of payments which might be computed for the farm.

**SEC. VII. APPLICATION FOR PAYMENT**

**A. Persons eligible to file applications.**—An application for payment for a farm may be made by any person who, under the provisions of Section IV, shares in the payment which may be computed for the farm and (1) who is determined by the county committee to be entitled, as of the time of harvest, to share in any of the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1941 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office on or before March 31, 1942. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the county office within the



time fixed by the Regional Director. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligibles to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee, and making copies of the same available to the press.

**C. Application for other farms.**—If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

#### SEC. VIII. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters affecting any farm in which he has an interest: (a) Eligibility to file an application for payment; (b) any allotment, usual acreage, yield, measurement, or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of the written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify the person in writing of its decision within 30 days after the submission of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after the decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person, who as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

## SEC. IX. DEFINITIONS

For the purposes of the 1941 program—

**Secretary** means the Secretary of Agriculture of the United States.

**Administrator** means the Administrator of the Agricultural Adjustment Administration.

**Regional Director** means the Director of the East Central Division of the Agricultural Adjustment Administration.

**State committee** means the group of persons designated to assist in the administration of the agricultural conservation program in North Carolina.

**County committee** means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county.

**East Central Region** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**Person** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

**Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crop) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Cropland** means farm land which in 1940 was tilled or was in regular rotation, excluding any land in commercial orchards.

**Noncrop, open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**Commercial orchards** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm (excluding non-bearing orchards and vineyards), from which the major part of the production is normally sold.

**Special crop** means wheat, tobacco, cotton, peanuts, potatoes, or commercial vegetables.

**Special crop allotment** means a wheat, tobacco, cotton, peanut, potato, or commercial vegetable acreage allotment.

**Animal unit** means 1 cow, 1 horse, 5 sheep, 5 goats, 2 calves, or 2 colts, or the equivalent thereof.



**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee determines is operated by the same person as a part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land, and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**Soil-depleting acreage** means the acreage of land devoted during the 1941 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted):

1. Corn, including sweet corn and popcorn, planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).

2. Tobacco harvested for any purpose.

3. The acreage planted to cotton.

4. Grain sorghums planted for any purpose.

5. Peanuts dug for any purpose except when grown in home gardens for use on the farm.

6. Broom corn planted for any purpose.

7. Potatoes planted for any purpose except when grown in home gardens for use on the farm.

8. Annual truck and vegetable crops planted for any purpose and perennial vegetables harvested for any purpose except when grown in home gardens for use on the farm.

9. Strawberries harvested for any purpose except when grown in home gardens for use on the farm.

10. Commercial bulbs and flowers, including cultivated sunflowers, harvested for any purpose.

11. Peas planted for canning, freezing, or dried peas, except when grown in home gardens for use on the farm.

12. Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.

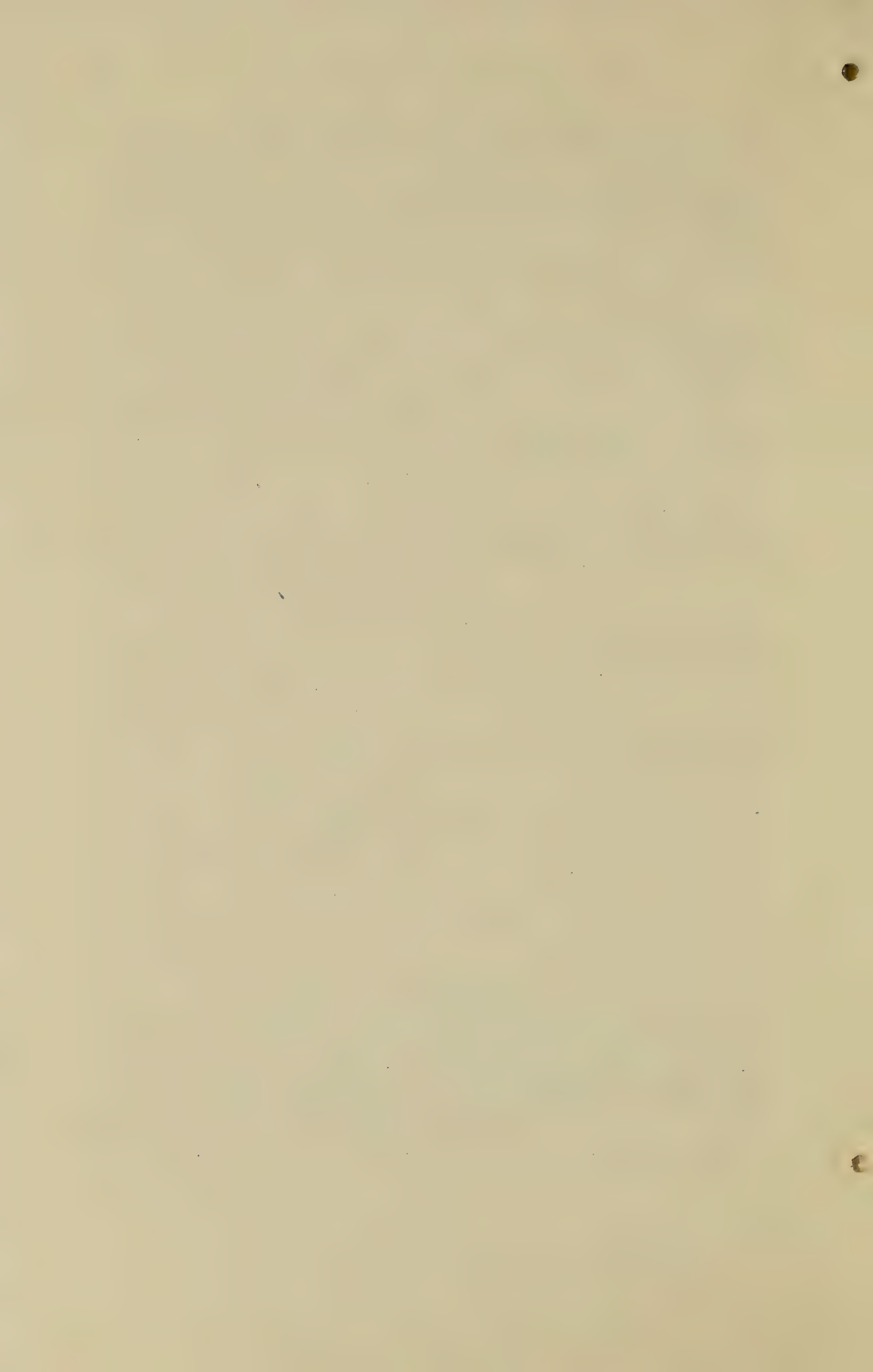
13. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.

14. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when such crops are (1) used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay, or (2) seeded in a mixture containing at least 25 percent by weight of winter legume seeds and harvested for hay.

15. Buckwheat, sweet sorghum, Sudan grass, or millet, harvested for any purpose.







UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
EAST CENTRAL DIVISION

1941 AGRICULTURAL CONSERVATION PROGRAM  
TENNESSEE



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AUTHORITY AND APPLICABILITY

The 1941 Agricultural Conservation Program Bulletin (ACP-1941, referred to herein as the national bulletin) issued by the Secretary of Agriculture on August 20, 1940, and amendments thereto, contain the provisions of the 1941 program for the United States. This bulletin (ECR-501—Tenn.) restates in a simplified form and in more general terms the provisions of the national bulletin which are applicable in the State of Tennessee, and also contains certain of the determinations authorized by the national bulletin, which is controlling.

The provisions of the 1941 program are necessarily subject to any legislation which Congress may enact. Payments and conservation materials will be limited by the amount of Congressional appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

The provisions of the 1941 program contained herein, are applicable to all land in the State of Tennessee, except (1) land owned by the



United States and administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of the Interior; and (2) other lands owned by the United States or any corporation wholly owned by the United States which were acquired or reserved for conservation purposes or are to be retained permanently under such Government or corporation ownership.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations. The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land will include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

#### SECTION I. ALLOTMENTS AND YIELDS FOR STATE, COUNTIES, AND FARMS

**A. State allotments.**—State allotments for wheat, tobacco, and cotton will be established by the Secretary.

**B. County allotments.**—In general, the respective State allotments will be apportioned among the counties, taking into consideration the acreage normally devoted to these crops, abnormal conditions, and trends.

**C. Farm allotments.**—The county committee, with the assistance of other local committees, will determine farm allotments, permitted acreages, and usual acreages in accordance with instructions issued by the A. A. A.

**D. Farm normal yields.**—The county committee, with the assistance of other local committees, will determine for each farm, in accordance with applicable instructions, a normal yield per acre for each special crop (except for commercial vegetables) for which an allotment is determined or a deduction is computed. The weighted average yield for each such crop for all farms in a county will not exceed the normal yield established for such crop for the county.

#### SEC. II. COMMODITIES—PAYMENTS AND DEDUCTIONS

##### A. DEDUCTION FOR EXCESS ACREAGE OF SOIL-DEPLETING CROPS

A deduction of \$5.00 will be made with respect to any farm for which a special crop allotment (other than a commercial vegetable allotment) is determined for each acre classified as soil-depleting in excess of the larger of (a) 80 percent of the cropland on the farm or (b) 30 acres.

## B. WHEAT

1. **National goal.**—The 1941 national goal for wheat is 62,000,000 acres.

2. **Payment.**—

(a) **On a wheat allotment farm** the payment is 8 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

(b) **On a non-wheat-allotment farm** the payment will be included in the payment computed for cropland to be earned in connection with soil-building practices.

3. **Deduction.**—A deduction of 50 cents per bushel of the normal yield of wheat for the farm will be made—

(a) **On a wheat-allotment farm** for each acre planted to wheat in excess of the wheat allotment.

(b) **On a non-wheat-allotment farm** for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of the largest of (a) the usual acreage of wheat, (b) 10 acres, or (c) if no wheat is marketed from the farm, 3 acres per family on the farm.

4. **Non-wheat-allotment farm** means a farm for which (a) no wheat allotment is determined or (b) a wheat allotment is determined and the person having an interest in the wheat on the farm elected prior to August 31, 1940, to have such farm considered as a non-wheat-allotment farm in 1941.

5. **Acreage planted to wheat** means (a) any acreage of land seeded to wheat (except when such crop is seeded in a mixture containing less than 50 percent by weight of wheat or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); and (b) any acreage of land which is seeded to a mixture containing wheat designated under (a) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That an acreage not in excess of the larger of 3 acres or 3 percent of the allotment, unintentionally planted in excess of the allotment, will not be considered as planted to wheat if plowed under prior to May 15, 1941, or clipped between April 15 and May 15, 1941, and left on the land.

## C. TOBACCO

1. **National goal.**—The 1941 national goal for—

(a) Burley tobacco is 370,000 to 390,000 acres,

(b) Fire-cured tobacco is 80,000 to 90,000 acres, and

(c) Dark air-cured tobacco is 32,000 to 36,000 acres.

2. **Payment.**—The payment per pound of the normal yield of tobacco for the farm for each acre in the tobacco allotment is—

(a) 0.8 cent for Burley,

(b) 1.5 cents for fire-cured, and

(c) 1 cent for dark air-cured.

3. **Deduction.**—A deduction will be made at the rate of 8 cents per pound of the normal yield of tobacco for the farm for each acre harvested in excess of the applicable tobacco allotment.



## D. COTTON

1. **National goal.**—The 1941 national goal for cotton is 27,000,000 to 29,000,000 acres.

2. **Payment.**—The payment is **1.37 cents** per pound of the normal yield of cotton for the farm for each acre in the cotton allotment, except that no payment will be made with respect to cotton on a farm on which cotton was not planted in any of the years 1938, 1939, and 1940.

3. **Deduction.**—A deduction of **4 cents** per pound of the normal yield of cotton for the farm will be made for each acre planted to cotton in excess of the cotton allotment or permitted acreage.

4. **Acreage planted to cotton** means the acreage of land seeded to cotton, except that (a) if any acreage in excess of the allotment or permitted acreage is disposed of before reaching the state of growth at which bolls are first formed, (b) if notice of the amount of excess acreage is not given 10 days prior to the time bolls are first formed, but such excess acreage is disposed of within 10 days after such notice, or (c) if substantially all of the cotton produced on a particular acreage is determined to be cotton the staple of which is  $1\frac{1}{2}$  inches or more in length;—then, such acreage will not be considered as planted to cotton.

## E. COMMERCIAL VEGETABLES

The commercial vegetable counties are: Carroll, Crockett, Davidson, Dyer, Gibson, Hamilton, Henry, Knox, Madison, Obion, Rhea, Shelby, and Weakley.

1. **Farm allotments.**—A commercial vegetable allotment will be determined for each farm in the above counties on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. No commercial vegetable allotment will be determined which is less than 3 acres.

2. **Payment.**—The payment is **\$1.30** for each acre in the commercial vegetable allotment determined for the farm, or, if the acreage of commercial vegetables is less than 80 percent of the farm's commercial vegetable allotment, for an acreage equal to 125 percent of the acreage of commercial vegetables unless the county committee finds that the acreage of commercial vegetables is less than 80 percent of such allotment because of flood or drought.

3. **Deduction.**—In commercial vegetable counties a deduction will be made at the rate of **\$20.00** for each acre of land devoted to commercial vegetables in excess of the larger of (a) the commercial vegetable allotment determined for the farm or (b) 3 acres.

4. **Commercial vegetables** means the planted acreage of annual vegetable or truck crops and the harvested acreage of perennial vegetables, of which any portion of the production is sold or intended to be sold to persons not living on the farm, except (1) such crops grown in home gardens for use on the farm; (2) all vegetables for processing; and (3) dried beans, cowpeas, blackeyed peas, bulbs and flowers, watermelons, sweetpotatoes for starch, and strawberries: *Provided*, That all or any part of any vegetable acreage totally destroyed by flood, freeze, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted

to vegetables on the farm, may be considered as not having been planted.

### SEC. III. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

**A. National goal.**—The 1941 national soil-building goal is (1) the conservation of cropland not required in 1941 for the growing of soil-depleting crops, and (2) the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent erosion.

**B. County goals.**—County goals may be established for particular soil-building practices which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that soil-building payments will be used most effectively to bring about added conservation and to secure the carrying out of soil-building practices most needed on farms in the county.

The county committee, with the approval of the State committee, may specify for any group of farms in the county a proportion of the soil-building payment which may be earned only by carrying out designated soil-building practices which are most needed and are not routine.

**C. Farm goals.**—The soil-building goal for any farm will be **1 unit** of applicable soil-building practices for each \$1.50 computed for the farm under paragraph D below. The county committee will assist farmers in determining practices, other than routine farming practices, that are most needed to conserve and improve soil fertility and prevent erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**D. Payment.**—For each farm the payment which may be earned in connection with soil-building practices is the sum of the amounts computed under items 1, 2, and 3 of this paragraph D: *Provided*, That for any farm with respect to which the sum of the payments computed for special crops plus items 1, 2, and 3 is less than \$20.00, the amount computed under this paragraph D will be increased by the amount of the difference.

1. **70 cents** for each acre of cropland in excess of the sum of the acreages used in computing payments for wheat, tobacco, and cotton.
2. **\$1.80** for each acre of commercial orchards.
3. **25 cents** for each acre of fenced, noncrop, open pasture land in excess of one-half of the number of acres of cropland, which is capable of maintaining during the normal pasture season at least 1 animal unit for each 5 acres.

**E.** In addition to the payment computed under paragraph D, of this sec. III, a special payment of **\$15.00** may be earned by planting forest trees as provided in practice 15 below.

**F. Deduction for failure to maintain practices under previous programs.**—Where the county committee, in accordance with instructions of the State committee, determines that (1) terraces constructed, forest trees planted, or pastures established under previous agricultural conservation programs are not maintained in accordance with good farming practices, (2) seedings of perennial legumes or grasses are destroyed after producers have been informed that the destruction



of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under a previous program is destroyed in 1941 contrary to good farming practice, there shall be deducted from payments which would otherwise be made with respect to the farm an amount equal to the payment which would be made under the 1941 program for a similar amount of such practices.

**G. Soil-building practices.**—The soil-building practices listed below will count toward reaching the soil-building goal, to the extent indicated herein, when carried out in the period September 1, 1940, to June 30, 1941, in accordance with good farming practice and the provisions of this bulletin.

1. **Superphosphate.**—Application of either (a) 100 pounds of AAA triple superphosphate or (b) 240 pounds of 20 percent superphosphate (300 pounds of 16 percent superphosphate) or its equivalent.—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of superphosphate to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

2. **Other phosphate materials.**—Application of 500 pounds of basic slag, rock phosphate, or colloidal phosphate.—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of other phosphate materials to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

3. **Potash.**—Application of 150 pounds of 50 percent muriate of potash or its equivalent.—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of potash to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

4. **Liming materials.**—Application of 2,000 pounds of ground limestone, or its equivalent, to farmland.—**One unit or \$1.50.**

For purposes of this practice 150 pounds of limestone screenings, or 70 pounds of hydrated or burned lime will be considered to be equivalent to 100 pounds of ground limestone. Ground limestone of which 90 percent or more will pass through a 10-mesh sieve will be considered as ground limestone. Such material of which less than 90 percent will pass through a 10-mesh sieve will be considered as limestone screenings.

5. **Alfalfa.**—Seeding approved varieties of hardy domestic or Canadian alfalfa.—**One unit or \$1.50 per acre.**

Sufficient alfalfa seed must be sown on land properly prepared, including the application of sufficient liming material, superphosphate, and potash, when necessary, to assure a good stand. In case a good stand is not obtained, evidence satisfactory to the county committee must be submitted to show that the land was properly prepared.

6. **Winter legumes.**—Seeding crimson clover, bur clover, vetch, or Austrian winter peas as winter cover crops.—**One unit or \$1.50 per acre.**
7. **Timothy or redtop.**—Seeding timothy, redtop, or a mixture consisting solely of timothy and redtop.—**One-fourth unit or 37½ cents per acre.**
8. **Other legumes and grasses.**—Seeding sericea, approved red clover, alsike clover, sweet clover, hop clover, whiteclover, kudzu, crotalaria, bluegrass, orchard grass, tall cat grass, annual ryegrass, annual lespedeza, or mixtures of legumes or perennial grasses other than a mixture consisting solely of timothy and redtop.—**One-half unit or 75 cents per acre.**

In order to qualify under practices 5, 6, 7, and 8, seeding rates must meet the requirements approved for each county by the State committee. No credit for a seeding practice will be given if it is determined by the county committee that the seed used was not adapted seed of such quality as to meet the requirements of good farming practices.

9. **Permanent sod.**—Planting kudzu or sod pieces of Bermuda grass.—**Three units or \$4.50 per acre.**

This practice must be performed in accordance with specifications issued by the State committee.

10. **Winter cover crops.**—Leaving winter cover crops on land.—**One unit or \$1.50 per acre.**

A good stand and good growth of wheat on a non-wheat-allotment farm, winter oats, barley, rye, or mixtures of these crops, from which seed is not harvested by mechanical means, must be left on the land as a temporary mulch to qualify for credit. Any crop for which payment is made under practice 11 will not qualify for credit under this practice.

11. **Green manure crops.**—Turning under green manure crops.—**One unit or \$1.50 per acre.**

A good stand and good growth of crimson clover, vetch, Austrian winter peas, sweet clover, rye, winter oats, winter barley, winter wheat, or mixtures of these crops, must be plowed or disked under as green manure to qualify for credit. Any acreage of wheat plowed under for the purpose of reducing the planted acreage of wheat in connection with the 3 percent or 3-acre provision will not qualify for credit as green manure. 1941 seedings of sweet clover will not qualify for credit under this practice.

12. **Terracing.**—Construction of 200 feet of standard terrace.—**One unit or \$1.50.**

The spacing of terraces, terrace grades, and the construction of terraces must conform with recommendations of Tennessee Publication No. 227. Proper outlets must be provided. Water furrows, miniature terraces, and other temporary means of erosion control will not be acceptable under this practice.

13. **Contour stripcropping.**—Establishment or maintenance of a system of contour stripcropping.—**One-fifth unit or 30 cents per acre.**

This practice will consist of the planting or maintenance of alternate strips of close grown crops and intertilled crops on the contour of cropland having an average slope of more than 5 percent. The strips of close-grown erosion-resisting crops must occupy a minimum of 50 percent of the land protected.



Prior approval of the county committee must be secured before performing this practice.

REFERENCE.—Tennessee Extension Special Circular 103.

**14. Contour furrowing.**—Contour furrowing of noncrop lands.—**One-sixth unit or 25 cents per 1000 linear feet.**

This practice must be performed in accordance with specifications issued by the State committee. Credit will not be allowed in excess of one-half unit per acre for this practice.

REFERENCE.—Tennessee Extension Mimeographed Sheet C-9294.

**15. Forest tree planting.**—Planting approved species of forest trees or shrubs beneficial to wildlife.—**Three units or \$4.50 per acre.**

The species and spacings approved for forest tree plantings are as follows:

SPECIES		
Yellow poplar	Shortleaf pine	Black walnut
Black locust	Virginia pine	Catalpa
Loblolly pine	White pine	

NUMBER AND SPACING

Approximately 1000 trees per acre spaced  $6\frac{1}{2} \times 6\frac{1}{2}$  feet apart each way, except that black walnut seedlings used alone should be spaced  $8 \times 8$  feet apart.

Trees and shrubs must be planted during dormant stage. Plantings must be protected from fire and grazing and must show a survival of 600 trees per acre evenly distributed over the land on or after July 1, 1941. In the case of white pine plantings, credit will not be allowed unless any currant and gooseberry bushes present are removed from the planted area and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

The planting of not less than 1500 shrubs beneficial to wildlife on two or more small tracts consisting of less than one acre each will be considered as an acre even though the total area may be greater than an acre. Shrubs planted for credit under this practice must be protected from fire and grazing and cultivated in accordance with good wildlife management practice.

**16. Walnut planting.**—Planting black walnuts.—**Two units or \$3.00 per acre.**

Walnuts must be planted not farther apart than  $8' \times 8'$ , at a depth not greater than 2 inches, and not later than April 1, 1941. Walnuts used for planting should be those collected from the ground (not stored) from the fall crop of 1940. A good stand (approximately 600 trees per acre) showing satisfactory growth and properly protected from grazing must be secured in order to qualify for credit under this practice.

**17. Forest stand improvement.**—Improvement of stands of forest trees.—**Two units or \$3.00 per acre.**

Prior approval of the county committee, including detailed instructions, must be obtained before performing this practice. This practice must consist of the removal of weed trees, undesirable species, and the thinning of over-crowded stands. At least 100 desirable trees per acre, uniformly distributed, must remain after improvement to qualify for credit. Areas being improved must be protected from fire and from grazing. If white pine makes up any part of the designated minimum number of trees per acre in the stand, credit will not be allowed unless any currant and gooseberry bushes present are removed from the stand and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

**18. Orchard mulch.**—Application of mulching materials in orchards.—**One-half unit or 75 cents per ton.**

Straw or equivalent mulching material must be evenly applied to orchard land to qualify for credit under this practice. Credit will not be allowed for the use of barnyard or stable manure as mulching material. Air-dry weight will be used in calculating the amount of mulching material for which credit will be given under this practice.

**H. Materials furnished by other agencies.**—If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no payment will be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payment will be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or an agency thereof by an agency of the same State will not be deemed to have been furnished by a State agency within the meaning of this paragraph.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service will not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery will not be deemed to have been paid for in whole or in part by a State or Federal agency.

**SEC. IV. DIVISION OF PAYMENTS AND DEDUCTIONS**

**A. Special crop payments and deductions.**—1. The net payment or net deduction computed for any farm with respect to special crops will be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1941. Such determination will be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1941 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases the net payment or net deduction computed for such crop will be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crops if the entire acreage in the allotment for such crop had been planted and harvested in 1941: *Provided further*, That if for any reason the total acreage of cotton on the farm in 1941 is less than 80 percent of the cotton acreage allotment for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1941 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for



payment or a separate statement, the net payment or net deduction computed for cotton for the farm will be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1941, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941.

2. The deduction for excess acreage of total soil-depleting crops will be regarded as a pro rata deduction with respect to the payments computed in connection with special crops.

**B. Soil-building practice payments and deductions.**—1. The amount of net payment earned in carrying out soil-building practices on the farm will be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1941 program, the payment will be divided in the proportion that the units contributed by each person bear to the total units contributed by all persons. All persons contributing to the carrying-out of any soil-building practice on a particular acreage will be deemed to have contributed equally to carrying out the practice unless such persons prove to the county committee that their respective contributions were not in equal proportion, in which event the payment for such practice will be divided in the proportion which the county committee determines such persons contributed thereto.

2. The deduction for failure to maintain soil-building practices carried out under previous programs will be divided among the persons who the county committee determines were responsible for the failure to maintain the practices in the proportion that the county committee finds such persons were responsible.

**C. Proration of net deductions.**—If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions, the sum of the net deductions will be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments will be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

## SEC. V. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in small payments.**—The total payment computed under sections II, III, and IV for any person on any farm will be increased as follows:

1. Any payment amounting to 71 cents or less will be increased to \$1;
2. Any payment amounting to more than 71 cents, but less than \$1, will be increased by 40 percent;

3. Any payment amounting to \$1 or more will be increased in accordance with the following schedule:

Amount of payment	Increase in payment	Amount of payment	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	(1)
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

**B. Payments limited to \$10,000.**—The total of all payments made under the 1941 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State, shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made under the 1941 program pursuant to the provisions of Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1941 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.



**C. Deductions incurred on other farms.**—1. If the deductions computed for any farm in a county exceed the payment computed for the farm, a person's share of the amount by which the deduction exceeds the payments shall be deducted from the person's share of the payment which would otherwise be made to him for performance on any other farms in the county.

2. If the deductions computed for a person for one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deduction shall be deducted from the payments computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which the net deductions are computed substantially offset the contribution to the program made on other farms.

**D. Deduction for association expenses.**—There shall be deducted pro rata from the payments for any farm all or such part as the Secretary may prescribe of the estimated administrative expenses of the county agricultural conservation association in the county in which the farm is located.

**E. Payments restricted to purposes of program.**—All or any part of any payment which otherwise would be made to any person under the 1941 program may be withheld, or required to be returned—

1. If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1941 or previous agricultural conservation programs;

2. If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which the payment is otherwise authorized; or

3. If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning), or if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10 inches for coniferous species, and approximately 14 inches for hardwood species, except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

Practices which tend to defeat the purposes of the 1941 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

- (1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease, or by an oral or written agreement supplementary to such lease, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any government payment which the tenant or sharecropper has received or is to receive for participating in the 1941 Agricultural Conservation Program.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the customary rental, a sum of money or any thing or service of value equivalent to all or a portion of the government payment which may be, is being, or has been earned by the tenant or sharecropper.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to the landlord or operator with respect to the farm.

- (3) A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1941 Agricultural Conservation Program, or knowingly shows incorrectly his or their acreage shares of a crop, or share of soil-building practices, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of payments to which they are entitled.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (4) A landlord or operator requires his tenant or sharecropper to execute an assignment, ostensibly covering advances of money or supplies to make a current crop, but actually for a purpose not permitted by the assignment regulations.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (5) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but substantially offsets such performance by the farming operations of a partnership, association, estate, corporation, trust, or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

**Amount to be withheld or refunded:** All the payments which have been or otherwise would be made to a person who adopts such practices.

- (6) A partnership, association, estate, corporation, trust, or other business enterprise (in which a particular individual is interested) carried on its operations so as to qualify for payment, but one of the persons who is in position to control the operations or policies of such partnership, association, estate, corporation, trust, or other business enterprise substantially offsets such performance by such person's individual operations.

**Amount to be withheld or refunded:** The individual's payments shall be forfeited and the payments to the partnership, association, estate, corporation, trust, or other business enterprise shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

- (7) A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm in another State.

**Amount to be withheld or refunded:** The net amount of the deduction which would be computed for the person for such overplanting if the farms were in the same State.



- (8) A person rents land for cash, standing or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.

**Amount to be withheld or refunded:** The net amount of the deduction which would be computed if the person were entitled to receive all the crops produced on the rented land.

- (9) A person participates in the production of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the production of a crop if the committee finds that he furnished either machinery, workstock, or financial assistance for the production of such crop and that he has a financial interest in such crop.)

**Amount to be withheld or refunded:** The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops produced.

- (10) A tenant, in settling his obligations under a rental contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord the whole or any part of any payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the Regional Director.

**Amount to be withheld or refunded:** The whole or any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by the landlord the whole of the payment with respect to all of his farms under the program involved: Provided, however, where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's payments shall be withheld or recovered.

- (11) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the payment that would otherwise be made to the tenant or sharecropper with respect to such crop.

**Amount to be withheld or refunded:** The entire payment which has been or would otherwise be made to such landlord or operator with respect to the farm.

- (12) A person misuses or participates in the misuse of a cotton marketing card or fails to file any report required by or under the regulations pertaining to cotton marketing quotas for the 1940-41 or 1941-42 marketing year and such misuse or failure to file such report results in erroneous or incomplete records pertaining to any farm in connection with cotton marketing quotas and fails to complete or correct such records.

**Amount to be withheld or refunded:** The entire payment which has been or would otherwise be made to such person with respect to the farm.

**F. Farms not operated.**—Only payments in connection with soil-building practices will be made with respect to farms which are not being operated in 1941.

**G. Payment made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph I of this section, advances for crop insurance premiums for the farm, and indebtedness to the United States subject to set-off by order of the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**H. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or sharecroppers and the change would cause a greater proportion of the payments to be made to the landlord or operator under the 1941 program, than would have been made to him under the 1940 program, payments to the landlord or operator under the 1941 program shall not be greater than the amount that would have been paid to him if the arrangements had not been changed, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the years 1938, 1939, and 1940 and the reduction would increase the payments that would otherwise be made to the landlord or operator, the payments to him shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves the reduction.

The action of the county committee under this paragraph H is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for payment under the 1941 program has employed any other scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which the other person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require the person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to the person in connection with the 1941 program.

**I. Assignments.**—Any person who may be entitled to any payment in connection with the 1941 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1941. No assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A. and unless such assignment is entitled to priority, as determined under instructions issued by the A. A. A. governing recording of such assignments.

Nothing contained in this paragraph I shall be construed to give an assignee a right to any payment other than that to which the



farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

**J. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1941 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1941 on land in any farm in which he has an interest in excess of the cotton allotment established for the farm for 1941, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1941 on acreage in excess of the cotton allotment for the farm for 1941 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1941 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1941 on an acreage in excess of the cotton allotment for the farm for 1941 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1941.

**K. Deductions in case of erroneous notice of acreage allotment.**—Notwithstanding the deduction provisions of section II, in any case where, through error in a county or state office, the producer was officially notified of an allotment for a commodity larger than the finally approved allotment for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued.

#### SEC. VI. CONSERVATION MATERIALS FURNISHED BY A. A. A. TO CARRY OUT SOIL-BUILDING PRACTICES

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, and terracing services may be furnished by the Agricultural Adjustment Administration to be used in carrying out approved soil-building practices on the farm in lieu of payment.

Wherever such materials or services are furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial

accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made.

The deduction for materials or services shall be made from payment due the person who obtained the materials or services on the same or any other farm in the county. In the event the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary: *Provided*, That deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished.

Notwithstanding any other provision herein, in areas designated by the Agricultural Adjustment Administration, for any farm (1) for which no deductions are applicable and (2) for which no application for payment is filed or if an application is filed no net payment would be computed except for the use of conservation materials or services, the materials or services furnished by the Agricultural Adjustment Administration shall be in lieu of payments which might be computed for the farm.

#### SEC. VII. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment for a farm may be made by any person who, under the provisions of Section IV, shares in the payment which may be computed for the farm and (1) who is determined by the county committee to be entitled, as of the time of harvest, to share in any of the crops grown on the farm under a lease or operating agreement or an owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1941 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office on or before January 31, 1942. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee, and making copies of the same available to the press.

**C. Application for other farms.**—If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms. Upon request by the State committee any person shall file with the committee such



information as it may request regarding any other farm in the State from which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

#### SEC. VIII. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters affecting any farm in which he has an interest: (a) Eligibility to file an application for payment; (b) any allotment, usual acreage, yield, measurement, or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of the written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify the person in writing of its decision within 30 days after the submission of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after the decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person, who as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent, appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

#### SEC. IX. DEFINITIONS

For the purposes of the 1941 program—

**Secretary** means the Secretary of Agriculture of the United States.

**Administrator** means the Administrator of the Agricultural Adjustment Administration.

**Regional Director** means the Director of the East Central Division of the Agricultural Adjustment Administration.

**State committee** means the group of persons designated to assist in the administration of the agricultural conservation program in Tennessee.

**County committee** means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county.

**East Central Region** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**Person** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

**Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Cropland** means farm land which in 1940 was tilled or was in regular rotation, excluding any land in commercial orchards.

**Noncrop, open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**Commercial orchards** means the acreage in planted or cultivated fruit trees, not trees, vineyards, or bush fruits on the farm (excluding non-bearing orchards and vineyards), from which the major part of the production is normally sold.

**Special crop** means wheat, tobacco, cotton, or commercial vegetables.

**Special crop allotment** means a wheat, tobacco, cotton, or commercial vegetable acreage allotment.

**Animal unit** means 1 cow, 1 horse, 5 sheep, 5 goats, 2 calves, or 2 colts, or the equivalent thereof.

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee determines is operated by the same person as a part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land, and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**Soil-depleting acreage** means the acreage of land devoted during the 1941 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted):

1. Corn, including sweet corn and popcorn, planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).

2. Tobacco harvested for any purpose.



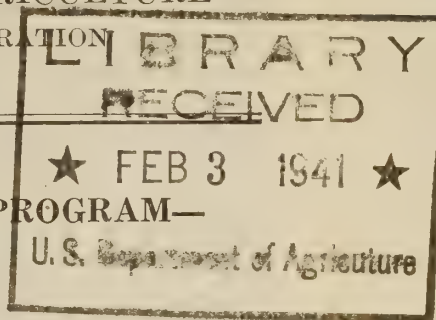
3. The acreage planted to cotton.
4. Grain sorghums planted for any purpose.
5. Peanuts dug for any purpose except when grown in home gardens for use on the farm.
6. Broomcorn planted for any purpose.
7. Potatoes planted for any purpose except when grown in home gardens for use on the farm.
8. Annual truck and vegetable crops planted for any purpose and perennial vegetables harvested for any purpose except when grown in home gardens for use on the farm.
9. Strawberries harvested for any purpose except when grown in home gardens for use on the farm.
10. Commercial bulbs and flowers, including cultivated sunflowers, harvested for any purpose.
11. Peas planted for canning, freezing, or dried peas, except when grown in home gardens for use on the farm.
12. Flax planted for any purpose except when used as a nurse crop for perennial legumes or perennial grasses which are seeded in a workmanlike manner.
13. Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.
14. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.
15. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when such crops are (1) used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay, or (2) seeded in a mixture containing at least 25 percent by weight of winter legume seeds and harvested for hay.
16. Buckwheat, sweet sorghum, Sudan grass, or millet, harvested for any purpose.



## UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

EAST CENTRAL DIVISION

1941 AGRICULTURAL CONSERVATION PROGRAM—  
VIRGINIA

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## AUTHORITY AND APPLICABILITY

The 1941 Agricultural Conservation Program Bulletin (ACP-1941, referred to herein as the national bulletin) issued by the Secretary of Agriculture on August 20, 1940, and amendments thereto, contain the provisions of the 1941 program for the United States. This bulletin (ECR-501-Va.) restates in a simplified form and in more general terms the provisions of the national bulletin which are applicable in the State of Virginia, and also contains certain of the determinations authorized by the national bulletin, which is controlling.

The provisions of the 1941 program are necessarily subject to any legislation which Congress may enact. Payments and conservation materials will be limited by the amount of Congressional appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

The provisions of the 1941 program contained herein are applicable to all land in the State of Virginia, except (1) land owned by the



United States which is administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of the Interior; and (2) other lands owned by the United States or any corporation wholly owned by the United States which were acquired or reserved for conservation purposes or are to be retained permanently under such Government or corporation ownership.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations. The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land will include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

#### Section I. ALLOTMENTS AND YIELDS FOR STATE, COUNTIES, AND FARMS

**A. State allotments.**—State allotments for wheat, tobacco, cotton, potatoes, peanuts, and total soil-depleting crops will be established by the Secretary.

**B. County allotments.**—In general, the respective State allotments will be apportioned among the counties, taking into consideration the acreage normally devoted to these crops, abnormal conditions, and trends.

**C. Farm allotments.**—The county committee, with the assistance of other local committees, will determine farm allotments, permitted acreages, and usual acreages in accordance with instructions issued by the A. A. A.

**D. Farm normal yields.**—The county committee, with the assistance of other local committees, will determine for each farm, in accordance with applicable instructions, a normal yield per acre for each special crop (except for commercial vegetables) for which an allotment is determined or a deduction is computed. The weighted average yield for each such crop for all farms in a county will not exceed the normal yield established for such crop for the county.

#### Sec. II. COMMODITIES—PAYMENTS AND DEDUCTIONS

##### A. TOTAL SOIL-DEPLETING CROPS

**1. National goal.**—The 1941 national goal for soil-depleting crops is 270,000,000 to 285,000,000 acres.

**2. Farm allotments.**—A total soil-depleting allotment will be determined for each farm which has a special crop allotment (other than a commercial vegetable allotment).

**3. Deduction.**—A deduction will be made at the rate of \$5.00 for each acre classified as soil-depleting in excess of the larger of

(a) the total soil-depleting allotment plus the acreage of the special crops for which deductions are computed, or (b) the acreage planted to cotton and the harvested acreage of tobacco plus 30 acres.

## B. WHEAT

1. **National goal.**—The 1941 national goal for wheat is 62,000,000 acres.

### 2. Payment.—

(a) **On a wheat-allotment farm** the payment is 8 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

(b) **On a non-wheat-allotment farm** the payment will be included in the payment computed for cropland to be earned in connection with soil-building practices.

3. **Deduction.**—A deduction of 50 cents per bushel of the normal yield of wheat for the farm will be made—

(a) **On a wheat-allotment farm** for each acre planted to wheat in excess of the wheat allotment.

(b) **On a non-wheat-allotment farm** for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of the largest of (a) the usual acreage of wheat, (b) 10 acres, or (c) if no wheat is marketed from the farm, 3 acres per family on the farm.

4. **Non-wheat-allotment farm** means a farm for which (a) no wheat allotment is determined or (b) a wheat allotment is determined and the persons having an interest in the wheat on the farm elected prior to August 31, 1940, to have such farm considered as a non-wheat-allotment farm in 1941.

5. **Acreage planted to wheat** means (a) any acreage of land seeded to wheat (except when such crop is seeded in a mixture containing less than 50 percent by weight of wheat or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); and (b) any acreage of land which is seeded to a mixture containing wheat designated under (a) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That an acreage not in excess of the larger of 3 acres or 3 percent of the allotment, unintentionally planted in excess of the allotment, will not be considered as planted to wheat if plowed under prior to May 15, 1941, or clipped between April 15 and May 15, 1941, and left on the land.

## C. TOBACCO

1. **National goal.**—The 1941 goal for—

- (a) Flue-cured tobacco is 750,000 to 800,000 acres,
- (b) Burley tobacco is 370,000 to 390,000 acres,
- (c) Fire-cured tobacco is 80,000 to 90,000 acres, and
- (d) Virginia sun-cured tobacco is 3,000 to 3,200 acres.

2. **Payment.**—The payment per pound of the normal yield of tobacco for the farm for each acre in the tobacco allotment is—

- (a) 0.8 cent for flue-cured,
- (b) 0.8 cent for Burley,
- (c) 1.5 cents for fire-cured and
- (d) 0.8 cent for Virginia sun-cured tobacco.



3. **Deduction.**—A deduction will be made at the rate of **8 cents** per pound of the normal yield of tobacco for the farm for each acre harvested in excess of the applicable tobacco allotment.

#### D. COTTON

1. **National goal.**—The 1941 national goal for cotton is 27,000,000 to 29,000,000 acres.

2. **Payment.**—The payment is **1.37 cents** per pound of the normal yield of cotton for the farm for each acre in the cotton allotment. No payment will be made with respect to cotton on a farm on which cotton was not planted in any of the years 1938, 1939, and 1940.

3. **Deduction.**—A deduction of **4 cents** per pound of the normal yield of cotton for the farm will be made for each acre planted to cotton in excess of the cotton allotment or permitted acreage.

4. **Acreage planted to cotton** means the acreage of land seeded to cotton, except that (a) if any acreage in excess of the allotment or permitted acreage is disposed of before reaching the stage of growth at which bolls are first formed, (b) if notice of the amount of excess acreage is not given 10 days prior to the time bolls are first formed, but such excess acreage is disposed of within 10 days after such notice, or (c) if substantially all of the cotton produced on a particular acreage is determined to be cotton the staple of which is  $1\frac{1}{2}$  inches or more in length; then, such acreage will not be considered as planted to cotton.

#### E. COMMERCIAL POTATOES

The commercial potato counties are: Accomac, Elizabeth City, Gloucester, James City, Mathews, Middlesex, Nansemond, Norfolk, Northampton, Princess Anne, Warwick, and York.

1. **National goal.**—The 1941 national goal for potatoes is 3,100,000 to 3,300,000 acres.

2. **Farm allotments.**—A potato allotment will be determined for each farm, in the above counties, for which the normal acreage of potatoes for market is determined to be 3 acres or more.

3. **Payment.**—The payment is **2.3 cents** per bushel of the normal yield of potatoes for the farm for each acre in the potato allotment.

4. **Deduction.**—In commercial potato counties a deduction of **30 cents** per bushel of the normal yield of potatoes for the farm will be made—

(a) **On a potato-allotment farm** for each acre planted to potatoes in excess of the potato allotment.

(b) **On a farm for which no potato allotment is determined** for each acre planted to potatoes for market in excess of 3 acres.

5. **Acreage planted to potatoes** means the acreage of land on which potatoes are planted, except (a) when grown in home gardens for use on the farm, and (b) that all or any part of any potato acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to potatoes on the farm, may be considered as not having been planted.

#### F. PEANUTS

1. **National goal.**—The 1941 national goal for peanuts is 1,575,000 to 1,625,000 acres.

2. **Payment.**—The payment is **0.1125 cent** per pound of the normal yield per acre of peanuts for the farm for each acre in the peanut allotment.

3. **Deduction.**—A deduction of **1.5 cents** per pound of the normal yield per acre of peanuts for the farm will be made for each acre of peanuts for market in excess of the peanut allotment.

4. **Peanuts for market** means all peanuts harvested for nuts on any farm which an allotment is determined and, for any other farm, all peanuts harvested for nuts if any peanuts are separated from the vines by mechanical means and any peanuts are sold to persons not living on the farm.

### G. COMMERCIAL VEGETABLES

The commercial vegetable counties are: Accomac, Bedford, Bortourt, Caroline, Carroll, Chesterfield, Elizabeth City, Essex, Floyd, Franklin, Gloucester, Hanover, Henrico, James City, King and Queen, King William, Lancaster, Middlesex, Montgomery, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Princess Anne, Richmond, Roanoke, Smyth, Warwick, Westmoreland, Wythe, and York.

1. **Farm allotments.**—A commercial vegetable allotment will be determined for each farm in the above counties on which the average acreage of land normally planted to commercial vegetables is 3 acres or more. No vegetable allotment will be determined which is less than 3 acres.

2. **Payment.**—The payment is **\$1.30** for each acre in the commercial vegetable allotment determined for the farm, or, if the acreage of commercial vegetables is less than 80 percent of the farm's commercial vegetable allotment, for an acreage equal to 125 percent of the acreage of commercial vegetables unless the county committee finds that the acreage of commercial vegetables is less than 80 percent of such allotment because of flood or drought.

3. **Deduction.**—In commercial vegetable counties a deduction will be made at the rate of **\$20.00** for each acre of land devoted to commercial vegetables in excess of the larger of (a) the commercial vegetable allotment determined for the farm or (b) 3 acres.

4. **Commercial vegetables** means the planted acreage of annual vegetable or truck crops and the harvested acreage of perennial vegetables, of which any portion of the production is sold or intended to be sold to persons not living on the farm, except (1) such crops grown in home gardens for use on the farm; (2) potatoes in commercial potato counties; and (3) dried beans, cowpeas, blackeyed peas, bulbs and flowers, watermelons, strawberries, sweetpotatoes hogged or for starch, peas for canning or freezing, and sweet corn for canning: *Provided*, That all or any part of any vegetable acreage totally destroyed by flood, freeze, insects, or any other cause beyond the control of the operator, which is later replaced by other acreage planted to vegetables on the farm, may be considered as not having been planted.

### Sec. III. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

A. **National goal.**—The 1941 national soil-building goal is (1) the conservation of cropland not required in 1941 for the growing of soil-depleting crops, and (2) the carrying out of soil-building practices that will conserve and improve soil fertility and prevent erosion.



**B. County goals.**—County goals may be established for particular soil-building practices which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that soil-building payments will be used most effectively to bring about added conservation and to secure the carrying-out of soil-building practices most needed on farms in the county.

**C. Farm goals.**—The soil-building goal for any farm will be 1 unit of applicable soil-building practices for each \$1.50 computed for the farm under paragraph D below. The county committee will assist farmers in determining practices, other than routine farming practices, that are most needed to conserve and improve soil fertility and prevent erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**D. Payment.**—For each farm the payment which may be earned in connection with soil-building practices is the sum of the amounts computed under items 1, 2, and 3 of this paragraph D: *Provided*, That for any farm with respect to which the sum of the payments computed for special crops plus items 1, 2, and 3 is less than \$20.00, the amount computed under this paragraph D will be increased by the amount of the difference.

1. 70 cents for each acre of cropland in excess of the sum of the acreages used in computing payments for wheat, tobacco, cotton, potatoes, and peanuts.

2. \$1.80 for each acre of commercial orchards.

3. 25 cents for each acre of fenced, noncrop, open pasture land in excess of one-half of the number of acres of cropland, which is capable of maintaining during the normal pasture season at least 1 animal unit for each 5 acres.

**E.** In addition to the payment computed under paragraph D of this Sec. III, a special payment of \$15.00 may be earned by planting forest trees as provided in practice 13 below.

**F. Deduction for failure to maintain practices under previous programs.**—Where the county committee, in accordance with instructions of the State committee, determines that (1) terraces constructed, forest trees planted, or pastures established under previous agricultural conservation programs are not maintained in accordance with good farming practices, (2) seedings of perennial legumes or grasses are destroyed after producers have been informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under a previous program is destroyed in 1941 contrary to good farming practice, there will be deducted from payments which would otherwise be made with respect to the farm an amount equal to the payment which would be made under the 1941 program for a similar amount of such practices.

**G. Soil-building practices.**—The soil-building practices listed below will count toward reaching the soil-building goal, to the extent indicated herein, when carried out in the period September 1, 1940, to June 30, 1941, in accordance with good farming practice and the provisions of this bulletin.

1. **Superphosphate.**—Application of either (a) 100 pounds of AAA triple superphosphate or (b) 240 pounds of 20 percent superphosphate or its equivalent—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of superphosphate to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

2. **Potash.**—Application of 150 pounds of 50 percent muriate of potash or its equivalent—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, or permanent pasture. Credit will not be given for the application of potash to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

3. **Liming Materials.**—Application of ground limestone, or its equivalent, to farmland in counties as follows—**One unit or \$1.50.**

- (a) **2,000 pounds** in the counties of Alleghany, Appomattox, Augusta, Bedford, Botetourt, Carroll, Clarke, Craig, Floyd, Frederick, Giles, Grayson, Greene, Lee, Montgomery, Page, Patrick, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, and Wythe;
- (b) **1,500 pounds** in the counties of Albemarle, Amelia, Amherst, Arlington, Bath, Bland, Buchanan, Buckingham, Campbell, Charlotte, Culpeper, Cumberland, Dickenson, Dinwiddie, Fairfax, Fauquier, Fluvanna, Franklin, Goochland, Halifax, Henry, Highland, Loudoun, Louisa, Lunenburg, Madison, Nelson, Nottoway, Orange, Pittsylvania, Powhatan, Prince Edward, Prince William, and Wise;
- (c) **1,200 pounds** in the counties of Brunswick, Caroline, Charles City, Chesterfield, Elizabeth City, Greenville, Hanover, Henrico, Isle of Wight, James City, King George, Mecklenburg, Nansemond, New Kent, Norfolk, Prince George, Princess Anne, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, and York;
- (d) **1,000 pounds** in the counties of Accomac, Essex, King and Queen, King William, Middlesex, Northampton, and Westmoreland;
- (e) **800 pounds** in the counties of Gloucester, Lancaster, Mathews, Northumberland, and Richmond.

The application of liming materials contained in commercial fertilizers will not qualify for credit under this practice. For purposes of this practice 150 pounds of limestone screenings, or 70 pounds of hydrated or burned lime will be considered to be equivalent to 100 pounds of ground limestone. Ground limestone, of which 90 percent or more will pass through a 10-mesh sieve, will be considered as ground limestone. Such material, of which less than 90 percent will pass through a 10-mesh sieve, will be considered as limestone screenings.

4. **Alfalfa.**—Seeding approved varieties of hardy domestic or Canadian alfalfa—**One unit or \$1.50 per acre.**

Sufficient alfalfa seed must be sown on land properly prepared, including the application of sufficient liming material, superphosphate, and potash, where neces-



sary, to assure a good stand. In case a good stand is not obtained, evidence satisfactory to the county committee must be submitted to show that the land was properly prepared.

5. **Winter legumes.**—Seeding crimson clover, vetch, or Austrian winter peas as winter cover crops—**One unit or \$1.50 per acre.**
6. **Annual lespedeza.**—Seeding annual lespedeza—**One-fourth unit or 37½ cents per acre.**
7. **Timothy or redtop.**—Seeding timothy, redtop, or a mixture consisting solely of timothy and redtop—**One-fourth unit or 37½ cents per acre.**
8. **Other legumes and grasses.**—Seeding sericea, domestic red clover, alsike clover, sweet clover, white clover, kudzu, crotalaria, blue grass, orchard grass, annual ryegrass, or mixtures of legumes or perennial grasses (other than a mixture consisting solely of timothy and redtop)—**One-half unit or 75 cents per acre.**

In order to qualify under practices 4, 5, 6, 7, and 8, seeding rates must meet the requirements approved for each county by the State committee. No credit for a seeding practice will be given if it is determined by the county committee that the seed used was not adapted seed of such quality as to meet the requirements of good farming practices.

9. **Winter cover crops.**—Leaving winter cover crops on land—**One unit or \$1.50 per acre.**

A good stand and good growth of wheat on a non-wheat-allotment farm, winter oats, barley, rye, or mixtures of these crops, from which seed is not harvested by mechanical means, must be left on the land as a temporary mulch to qualify for credit. Any crop for which payment is made under practice 10 will not qualify for credit under this practice.

10. **Green manure crops.**—Turning under green manure crops—**One unit or \$1.50 per acre.**

A good stand and good growth of crimson clover, vetch, Austrian winter peas, sweet clover, rye, winter oats, winter barley, winter wheat, or mixtures of these crops, must be plowed or disked under as green manure to qualify for credit. Any acreage of wheat plowed under for the purpose of reducing the planted acreage of wheat in connection with the 3-percent of 3-acre provision will not qualify for credit as green manure. 1941 seedings of sweet clover will not qualify for credit under this practice.

11. **Terracing.**—Construction of 200 feet of standard terrace—**One unit or \$1.50.**

The spacing of terraces and terrace grades must conform with standard requirements with due consideration being given to the slope of the land and type of soil. The terrace must have a minimum width of ridge of 12 feet, measured from the edge of the bank on the lower side to the center of the water channel, and a minimum height of ridge at least 16 inches above the water channel before the ridge settles. The water channel should be at least 12 feet wide. The cross section of the water channel must be at least 6 square feet after the ridge settles. Proper outlets must be provided. Water furrows, miniature terraces, and other temporary means of erosion control will not be acceptable under this practice.

12. **Contour stripcropping.**—Establishment or maintenance of a system of contour stripcropping—**One-fifth unit or 30 cents per acre.**

This practice will consist of the planting or maintenance of strips on the contour of cropland having an average slope of more than 5 percent. The

strips must be across the slope and generally within 3 percent of the actual contour. The actual width of the strips will depend upon the slope of the land, type of soil, and cropping system, but in no event will the strips exceed an average of 150 feet in width and they must be sufficiently narrow to be effective. Strips of intertilled crops must be separated by strips of close-growing crops of approximately the same width.

**13. Forest tree planting.**—Planting approved species of forest trees or shrubs beneficial to wildlife—**Three units or \$4.50 per acre.**

The species and spacings approved for forest tree plantings are as follows:

Species:	Minimum spacing	Maximum spacing
	<i>Feet</i>	<i>Feet</i>
Shortleaf Pine-----	6 x 6	7 x 7
Loblolly Pine-----	6 x 6	7 x 7
White Pine-----	6 x 6	7 x 7
Virginia Pine-----	4 x 4	6 x 6
Black or Yellow Locust-----	4 x 4	6 x 6
Yellow Poplar-----	6 x 6	7 x 7
White Ash-----	6 x 6	7 x 7
Red Cedar-----	6 x 6	7 x 7

Minimum spacing for black locust should be used only for gully control. Plantings must be protected from fire and grazing. Plantings must show a survival of not less than 700 planted trees per acre evenly distributed over the land on or after July 1, 1941. In the case of white pine plantings, credit will not be allowed unless any currant and gooseberry bushes present are removed from the planted area and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

The planting of not less than fifteen hundred shrubs beneficial to wildlife on two or more small tracts, consisting of less than one acre each, will be considered as an acre even though the total area may be greater than an acre. Shrubs planted for credit under this practice must be protected from fire and grazing, and cultivated in accordance with good wildlife management practice.

**14. Forest stand improvement.**—Improvement of stands of forest trees—**Two units or \$3.00 per acre.**

Prior approval of the county committee, including detailed instructions, must be obtained before performing this practice. The stand of forest trees to be improved must be such as to provide at least 100 trees per acre of desirable form and species, after improvement. Forest stand improvement will consist of weeding (removal of trees of undesirable species or form); thinning, when necessary, in stands where trees average not less than 4 inches nor more than 12 inches in diameter; and by removal of diseased snags and diseased live trees. Areas being improved must be protected from fire and from grazing. Cuttings, except for stand improvement and for such merchantable cuttings as will allow a satisfactory stand to remain, are prohibited. If white pine makes up any part of the designated minimum number of trees per acre in the stand, credit will not be allowed unless any currant and gooseberry bushes present are removed from the stand and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

**15. Apple tree removal.**—Removal of disease-infested or uneconomic apple trees, the major portion of whose fruit is of inferior quality, in the counties of Albemarle, Amherst, Augusta, Bedford, Botetourt, Clarke, Fauquier, Franklin, Frederick, Loudoun, Madison, Nelson, Page, Patrick, Rappahannock, Roanoke, Rockbridge, Rockingham, Shenandoah, and Warren.

(a) For trees 5 to 12 inches in diameter.—**One-fifth unit or 30 cents per tree.**

(b) For trees more than 12 inches in diameter.—**One-third unit or 50 cents per tree.**



Prior approval of the county committee must be obtained before performing this practice. Payment will be made only for the removal of live, permanent apple trees and not for the removal of filler or semi-permanent trees. Land so cleared must not be used for the growing of soil-depleting crops during the program year for which payment is made. No payment will be made for removal of trees less than 5 inches in diameter. Measurements of trunk diameter will be made approximately one foot above ground level. Not more than \$15.00 per acre may be earned under this practice.

**16. Farm ditches.**—Constructing or reconstructing farm ditches (including lateral and lead ditches) for which proper outlets are provided.—**One unit or \$1.50 per 30 cubic yards of dirt removed.**

Prior approval of the county committee must be obtained before performing this practice. Payment will not be made with respect to any ditch unless the amount of dirt removed therefrom represents an amount at least equivalent to an average depth of 1 foot and unless adequate provision is made for the entrance of water into and out of the ditch. No credit will be allowed for the amount of dirt removed from that portion of any ditch which is bordered by waste or noncrop land, or from any ditch which is wholly or partially maintained by any Federal, State, or county appropriation. This practice shall be applicable only in Nansemond, Norfolk, and Princess Anne Counties.

**H. Materials furnished by other agencies.**—If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no payment will be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payment will be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or any agency thereof by an agency of the same State will not be deemed to have been furnished by a State agency within the meaning of this paragraph.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service will not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery will not be deemed to have been paid for in whole or in part by a State or Federal agency.

#### **Sec. IV. DIVISION OF PAYMENTS AND DEDUCTIONS**

**A. Special crop payments and deductions.**—1. The net payment or net deduction computed for any farm with respect to special crops will be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1941. Such determination will be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1941 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases the net payment or net deduction computed for such crop will be divided among the landlords, tenants, and share-

croppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1941: *Provided further*, That if for any reason the total acreage of cotton on the farm in 1941 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1941 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm will be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1941, but in no event will the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941.

2. The deduction for exceeding the total soil-depleting allotment will be regarded as a pro rata deduction with respect to the payments computed in connection with special crops.

**B. Soil-building practice payments and deductions.**—1. The amount of net payment earned in carrying out soil-building practices on the farm will be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1941 program, the payment will be divided in the proportion that the units contributed by each person bear to the total units contributed by all persons. All persons contributing to the carrying-out of any soil-building practice on a particular acreage will be deemed to have contributed equally to the carrying-out of the practice unless such persons prove to the county committee that their respective contributions were not in equal proportion, in which event the payment for such practice will be divided in the proportion which the county committee determines each person contributed thereto.

2. The deduction for failure to maintain soil-building practices carried out under previous programs will be divided among the persons who the county committee determines were responsible for the failure to maintain the practices in the proportion that the county committee finds such persons were responsible.

**C. Proration of net deductions.**—If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions, the sum of the net deductions will be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments will be prorated among the persons on such farm for



whom a net deduction is computed, on the basis of such computed net deductions.

### Sec. V. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in small payments.**—The total payment computed under sections II, III, and IV for any person on any farm will be increased as follows:

1. Any payment amounting to 71 cents or less will be increased to \$1.00;
2. Any payment amounting to more than 71 cents, but less than \$1.00; will be increased by 40 percent;
3. Any payment amounting to \$1.00 or more will be increased in accordance with the following schedule:

Amount of payment	Increase in payment	Amount of payment	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	( <sup>1</sup> )
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	( <sup>2</sup> )

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

**B. Payments limited to \$10,000.**—The total of all payments made in connection with programs for 1941 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate

with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made.

All or any part of any payment which has been or otherwise would be made to any person under the 1941 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions incurred on other farms.**—1. If the deductions computed for any farm in a county exceed the payment computed for the farm, a person's share of the amount by which the deduction exceeds the payments shall be deducted from the person's share of the payment which would otherwise be made to him for performance on any other farms in the county.

2. If the deductions computed for a person for one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which the net deductions are computed substantially offset the contribution to the program made on other farms.

**D. Deduction for association expenses.**—There shall be deducted pro rata from the payments for any farm all or such part as the Secretary may prescribe of the estimated administrative expenses of the county agricultural conservation association in the county in which the farm is located.

**E. Payments restricted to purposes of program.**—All or any part of any payment which otherwise would be made to any person under the 1941 program may be withheld, or required to be returned—

1. If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1941 or previous agricultural conservation programs;

2. If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which the payment is otherwise authorized; or

3. If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning), or if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10 inches for coniferous species, and approximately 14 inches for hardwood species, except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

Practices which tend to defeat the purposes of the 1941 program and the amount of the payment which shall be withheld or required to be



refunded in each such case shall include, but shall not be limited to, the following cases:

- (1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease, or by an oral or written agreement supplementary to such lease, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any government payment which the tenant or sharecropper has received or is to receive for participating in the 1941 Agricultural Conservation Program.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the customary rental, a sum of money or any thing or service of value equivalent to all or a portion of the government payment which may be, is being, or has been earned by the tenant or sharecropper.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to the landlord or operator with respect to the farm.

- (3) A landlord or operator knowingly omits the names of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1941 Agricultural Conservation Program, or knowingly shows incorrectly his or their acreage shares of a crop, or share of soil-building practices, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of payments to which they are entitled.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (4) A landlord or operator requires his tenant or sharecropper to execute an assignment, ostensibly covering advances of money or supplies to make a current crop, but actually for a purpose not permitted by the assignment regulations.

**Amount to be withheld or refunded:** The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.

- (5) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but substantially offsets such performance by the farming operations of a partnership, association, estate, corporation, trust, or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.

**Amount to be withheld or refunded:** All the payments which have been or otherwise would be made to a person who adopts such practices.

- (6) A partnership, association, estate, corporation, trust, or other business enterprise (in which a particular individual is interested) carried on its operations so as to qualify for payment, but one of the persons who is in position to control the opera-

tions or policies of such partnership, association, estate, corporation, trust, or other business enterprise substantially offsets such performance by such person's individual operations.

**Amount to be withheld or refunded:** The individual's payments shall be forfeited and the payments to the partnership, association, estate, corporation, trust, or other business enterprise shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

- (7) A person operates farms in two or more States and substantially offsets his performance in one State by overplanting his farm in another State.

**Amount to be withheld or refunded:** The net amount of the deduction which would be computed for the person for such overplanting if the farms were in the same State.

- (8) A person rents land for cash, standing or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.

**Amount to be withheld or refunded:** The net amount of the deduction which would be computed if the person were entitled to receive all the crops produced on the rented land.

- (9) A person participates in the production of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the production of a crop if the committee finds that he furnished either machinery, workstock, or financial assistance for the production of such crop and that he has a financial interest in such crop.)

**Amount to be withheld or refunded:** The proportion of the net amount of the deduction which would be computed for the farm which the committee determines was such person's interest in the crops produced.

- (10) A tenant, in settling his obligations under a rental contract or agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord the whole or any part of any payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the Regional Director.

**Amount to be withheld or refunded:** The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by the landlord the whole of the payment with respect to all of his farms under the program involved: Provided, however, where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's payments shall be withheld or recovered.

- (11) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the payment that would otherwise be made to the tenant or sharecropper with respect to such crop.

**Amount to be withheld or refunded:** The entire payment which has been or would otherwise be made to such landlord or operator with respect to the farm.



- (12) A person misuses or participates in the misuse of a cotton marketing card or fails to file any report required by or under the regulations pertaining to cotton marketing quotas for the 1940-41 or 1941-42 marketing year and such misuse or failure to file such report results in erroneous or incomplete records pertaining to any farm in connection with cotton marketing quotas and fails to complete or correct such records.

**Amount to be withheld or refunded:** The entire payment which has been or would otherwise be made to such person with respect to the farm.

**F. Farms not operated.**—Only payments in connection with soil-building practices will be made with respect to farms which are not being operated in 1941.

**G. Payment made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph I of this section, advances for crop insurance premiums for the farm, and indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**H. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1941 program than would have been made to the landlord or operator for performance on the farm under the 1940 program, payments to the landlord or operator under the 1941 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1940 had been continued in 1941, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the three years 1938 to 1940 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph H is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for payment under the 1941 program has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require the person

to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to the person in connection with the 1941 program.

**I. Assignments.**—Any person who may be entitled to any payment in connection with the 1941 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1941. No such assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A., and unless such assignment is entitled to priority, as determined under instructions issued by the A. A. A. governing recording of such assignments.

Nothing contained in this paragraph I shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

**J. Excess cotton acreage.**—Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1941 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted during 1941 on land in any farm in which he has an interest in excess of the cotton allotment determined for the farm for 1941, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1941 on acreage in excess of the cotton allotment for the farm for 1941 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1941 program. Any person having an interest in the cotton crop of a farm on which cotton is planted in 1941 on an acreage in excess of the cotton allotment for the farm for 1941 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1941.

**K. Deductions in case of erroneous notice of acreage allotment.**—Notwithstanding the deduction provisions of section II, in any case where, through error in a county or State office, the producer was officially notified of an allotment for a commodity larger than the finally approved allotment for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment for such commodity unless he planted an acreage to the commodity in excess



of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued.

#### Sec. VI. CONSERVATION MATERIALS FURNISHED BY A. A. A. TO CARRY OUT SOIL-BUILDING PRACTICES

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, and terracing services may be furnished by the Agricultural Adjustment Administration to be used in carrying out approved soil-building practices on the farm in lieu of payments.

Wherever such materials or services are furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made.

The deduction for materials or services shall be made from payment due the person who obtained the materials or services on the same or any other farm in the county. In the event the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary: *Provided*, That deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished.

Notwithstanding any other provision herein, for any farm (1) for which no deductions are applicable and (2) for which no application for payment is filed or if an application is filed no net payment would be computed except for the use of conservation materials or services, the materials or services furnished by the Agricultural Adjustment Administration shall be in lieu of payments which might be computed for the farm.

#### Sec. VII. APPLICATION FOR PAYMENT

**A. Persons eligible to file applications.**—An application for payment for a farm may be made by any person who, under the provisions of Section IV, shares in the payment which may be computed for the farm and (1) who is determined by the county committee to be entitled, as of the time of harvest, to share in any of the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1941 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office on or before January 31, 1942. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any other form or information re-

quired is not submitted to the county office within the time fixed by the Regional Director. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee, and making copies of the same available to the press.

**C. Application for other farms.**—If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

#### Sec. VIII. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters affecting any farm in which he has an interest: (a) Eligibility to file an application for payment; (b) any allotment, usual acreage, yield, measurement, or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of the written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify the person in writing of its decision within 30 days after the submission of the appeal. If such person is not satisfied with the decision of the State committee he may, within 15 days after the decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person, who as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

#### Sec. IX. DEFINITIONS

For the purposes of the 1941 program—

**Secretary** means the Secretary of Agriculture of the United States.

**Administrator** means the Administrator of the Agricultural Adjustment Administration.



**Regional Director** means the Director of the East Central Division of the Agricultural Adjustment Administration.

**State committee** means the group of persons designated to assist in the administration of the agricultural conservation program in Virginia.

**County committee** means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county.

**East Central Region** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**Person** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

**Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Cropland** means farm land which in 1940 was tilled or was in regular rotation, excluding any land in commercial orchards.

**Noncrop, open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**Commercial orchards** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm (excluding nonbearing orchards and vineyards), from which the major part of the production is normally sold.

**Special crop** means wheat, tobacco, cotton, peanuts, potatoes, or commercial vegetables.

**Special crop allotment** means a wheat, tobacco, cotton, peanut, potato, or commercial vegetable acreage allotment.

**Animal unit** means 1 cow, 1 horse, 5 sheep, 5 goats, 2 calves, or 2 colts, or the equivalent thereof.

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee determines is operated by the same person as a part of the same unit with respect to the rotation of crops and with work stock, farm machinery, and labor substantially separate from that for any other land, and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

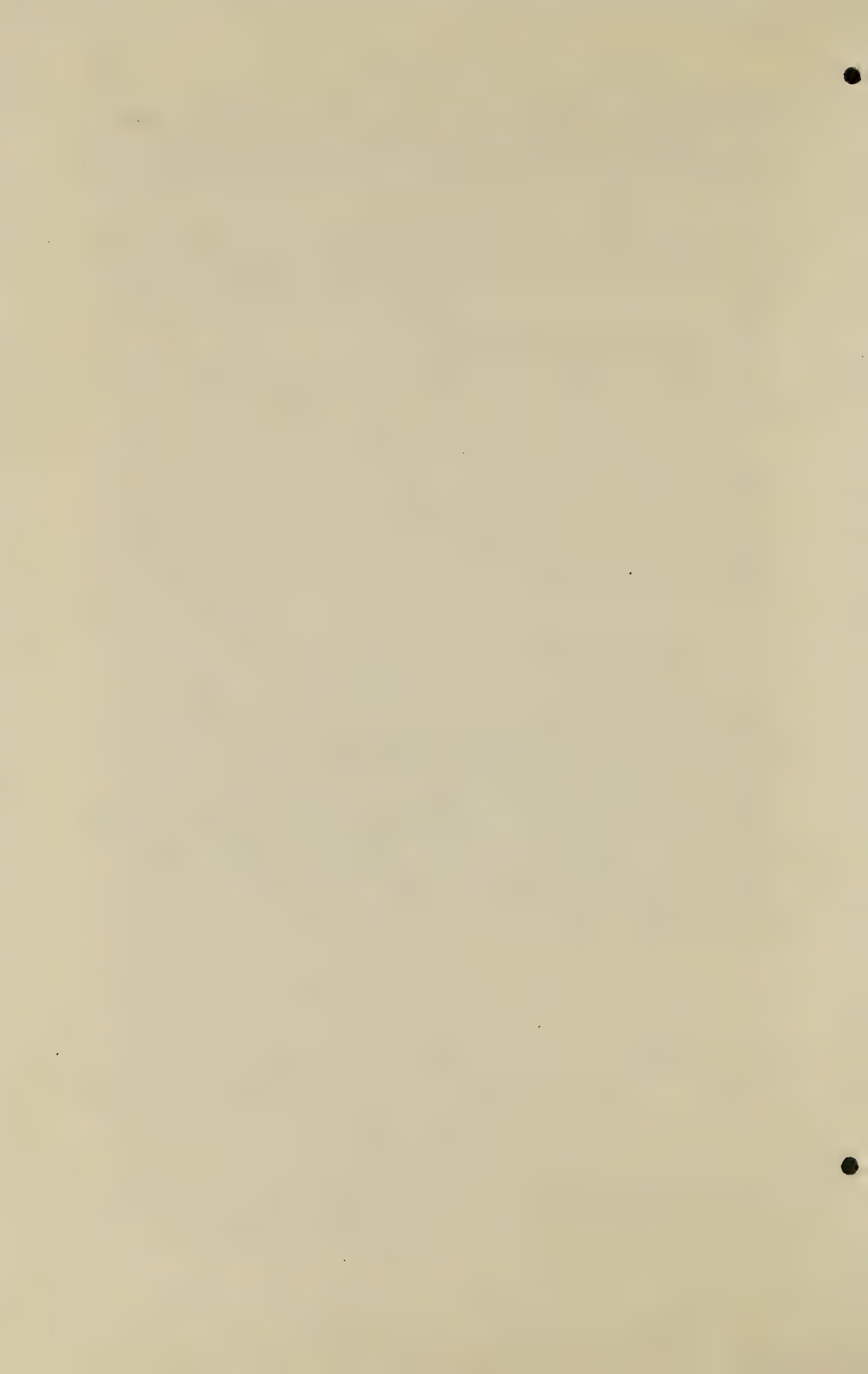
A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located

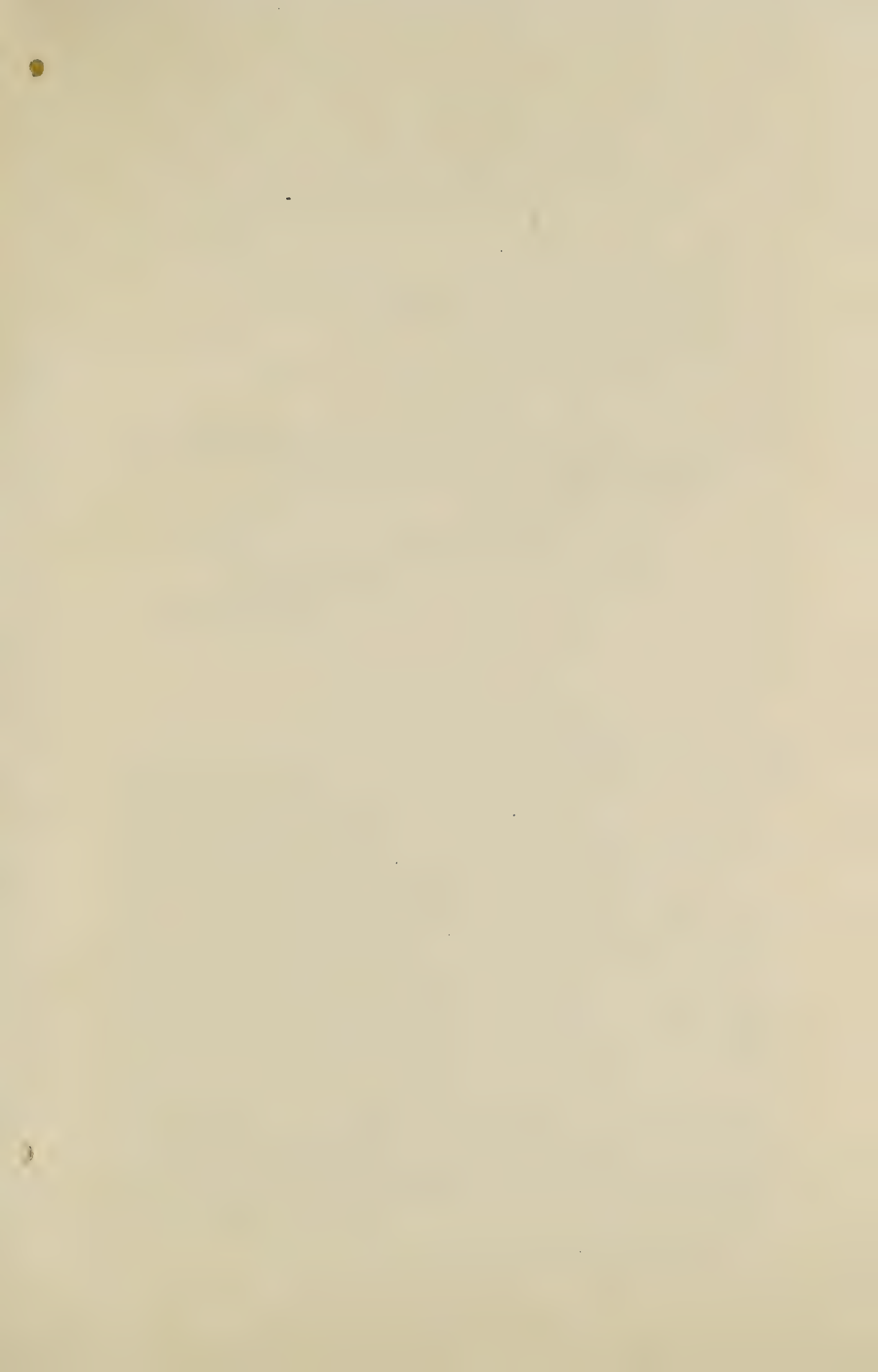
in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**Soil-depleting acreage** means the acreage of land devoted during the 1941 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted):

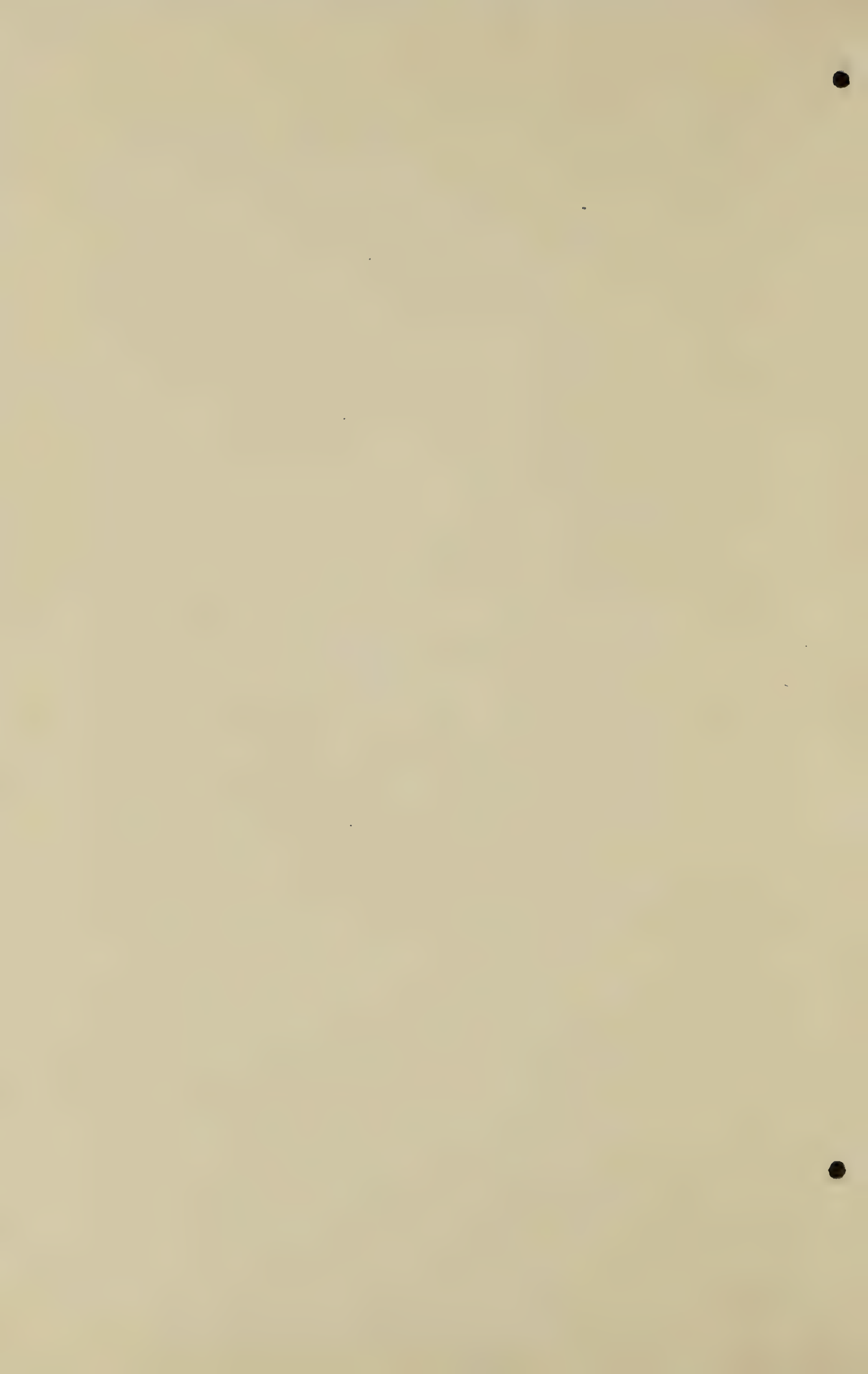
1. Corn, including sweet corn and popcorn, planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).
2. Tobacco harvested for any purpose.
3. The acreage planted to cotton.
4. Grain sorghums planted for any purpose.
5. Peanuts dug for any purpose except when grown in home gardens for use on the farm.
6. Broomcorn planted for any purpose.
7. Potatoes planted for any purpose except when grown in home gardens for use on the farm.
8. Annual truck and vegetable crops planted for any purpose and perennial vegetables harvested for any purpose except when grown in home gardens for use on the farm.
9. Strawberries harvested for any purpose except when grown in home gardens for use on the farm.
10. Commercial bulbs and flowers, including cultivated sunflowers, harvested for any purpose.
11. Peas planted for canning, freezing, or dried peas, except when grown in home gardens for use on the farm.
12. Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.
13. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for grain.
14. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when such crops are (1) used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay, or (2) seeded in a mixture containing at least 25 percent by weight of winter legume seeds and harvested for hay.
15. Buckwheat, sweet sorghum, Sudan grass, or millet, harvested for any purpose.







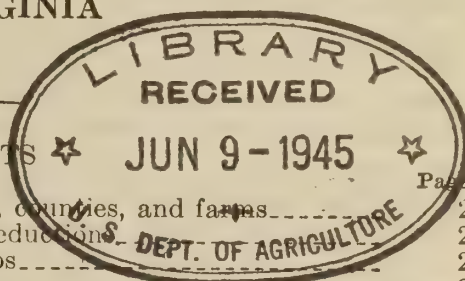




UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
EAST CENTRAL DIVISION

1941 AGRICULTURAL CONSERVATION PROGRAM  
WEST VIRGINIA

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AUTHORITY AND APPLICABILITY

The 1941 Agricultural Conservation Program Bulletin (ACP-1941, referred to herein as the national bulletin) issued by the Secretary of Agriculture on August 20, 1940, and amendments thereto, contain the provisions of the 1941 program for the United States. This bulletin (ECR-501-W. Va.) restates in a simplified form and in more general terms the provisions of the national bulletin which are applicable in the State of West Virginia, and also contains certain of the determinations authorized by the national bulletin, which is controlling.

The provisions of the 1941 program are necessarily subject to any legislation which Congress may enact. Payments and conservation materials will be limited by the amount of Congressional appropriation, the apportionment of the appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation in the program. As an adjustment for the extent of participation in the program, the rates of payment and deduction may be increased or decreased by as much as 10 percent.

The provisions of the 1941 program contained herein are applicable to all land in the State of West Virginia, except (1) counties for which special agricultural conservation programs under the Act are approved for 1941 by the Secretary; (2) land owned by the United States which is administered by the Forest Service or the Soil Conser-



vation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of Interior; and (3) other lands owned by the United States or any corporation wholly owned by the United States which were acquired or reserved for conservation purposes or are to be retained permanently under such Government or corporation ownership.

The program is applicable to lands owned by corporations which are only partly owned by the United States, such as Federal Land Banks and Production Credit Associations. The program is also applicable to land owned by the United States or by corporations wholly owned by the United States which is farmed by private persons if such land is to be temporarily under such Government or corporation ownership and was not acquired or reserved for conservation purposes. Such land will include only that administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, unless the Agricultural Adjustment Administration finds that land administered by other agencies complies with all of the foregoing provisions for eligibility.

#### Section I. ALLOTMENTS AND YIELDS FOR STATE, COUNTIES, AND FARMS

**A. State allotments.**—State allotments for wheat and tobacco (hereinafter referred to as "special crops") and for total soil-depleting crops will be established by the Secretary.

**B. County allotments.**—In general, the respective State allotments will be apportioned among the counties, taking into consideration the acreage normally devoted to these crops, abnormal conditions, and trends.

**C. Farm allotments.**—The county committee, with the assistance of other local committees, will determine farm allotments and usual acreages in accordance with instructions issued by the A. A. A.

**D. Farm normal yields.**—The county committee, with the assistance of other local committees, will determine for each farm, in accordance with applicable instructions, a normal yield per acre for each special crop for which an allotment is determined or a deduction is computed. The weighted average yield for each such crop for all farms in a county will not exceed the normal yield established for such crop for the county.

#### Section II. COMMODITIES—PAYMENTS AND DEDUCTIONS

##### A. TOTAL SOIL-DEPLETING CROPS

1. **National goal.**—The 1941 national goal for soil-depleting crops is 270,000,000 to 285,000,000 acres.

2. **Farm allotments.**—A total soil-depleting allotment will be determined for each farm which has a wheat or tobacco allotment.

3. **Deduction.**—A deduction will be made at the rate of \$5.00 for each acre classified as soil-depleting in excess of the larger of (a) the total soil-depleting allotment plus the acreage of wheat and tobacco for which deductions are computed, or (b) the harvested acreage of tobacco plus 30 acres.

## B. WHEAT

1. **National goal.**—The 1941 national goal for wheat is 62,000,000 acres.

2. **Payment.**—

(a) **On a wheat-allotment farm** the payment is 8 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

(b) **On a non-wheat-allotment farm** the payment will be included in the payment computed for cropland to be earned in connection with soil-building practices.

3. **Deduction.**—A deduction of 50 cents per bushel of the normal yield of wheat for the farm will be made—

(a) **On a wheat-allotment farm** for each acre planted to wheat in excess of the wheat allotment.

(b) **On a non-wheat-allotment farm** for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of the largest of (a) the usual acreage of wheat, (b) 10 acres, or (c) if no wheat is marketed from the farm, 3 acres per family on the farm.

4. **Non-wheat-allotment farm** means a farm for which (a) no wheat allotment is determined or (b) a wheat allotment is determined and the persons having an interest in the wheat on the farm elected prior to August 31, 1940, to have such farm considered as a non-wheat-allotment farm in 1941.

5. **Acreage planted to wheat** means (a) any acreage of land seeded to wheat (except when such crop is seeded in a mixture containing less than 50 percent by weight of wheat or containing 25 percent or more by weight of rye, barley, vetch, or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); and (b) any acreage of land which is seeded to a mixture containing wheat designated under (a) above but on which the crops other than wheat fail to reach maturity and the wheat reaches maturity: *Provided*, That an acreage not in excess of the larger of 3 acres or 3 percent of the allotment, unintentionally planted in excess of the allotment, will not be considered as planted to wheat if plowed under prior to May 15, 1941, or clipped between April 15 and May 15, 1941, and left on the land.

## C. TOBACCO

1. **National goal.**—The 1941 national goal for Burley tobacco is 370,000 to 390,000 acres.

2. **Payment.**—The payment is 0.8 cents per pound of the normal yield of Burley tobacco for the farm for each acre in the tobacco allotment.

3. **Deduction.**—A deduction will be made at the rate of 8 cents per pound of the normal yield of tobacco for the farm for each acre harvested in excess of the tobacco allotment.

## Section III. SOIL-BUILDING GOALS, PAYMENTS, AND PRACTICES

A. **National goal.**—The 1941 national soil-building goal is (1) the conservation of cropland not required in 1941 for the growing of soil-depleting crops, and (2) the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent erosion.



**B. County goals.**—County goals may be established for particular soil-building practices which are most needed in the county in order to conserve and improve soil fertility and to prevent erosion. The county committee, with the approval of the State committee, may designate those practices which will be approved for payment in the county in order that soil-building payments will be used most effectively to bring about added conservation and to secure the carrying-out of soil-building practices most needed on farms in the county.

The county committee, with the approval of the State committee, may specify for any group of farms in the county a proportion of the soil-building payments which may be earned only by carrying out designated soil-building practices which are most needed and are not routine.

**C. Farm goals.**—The soil-building goal for any farm will be **1 unit** of applicable soil-building practices for each **\$1.50** computed for the farm under paragraph D below. The county committee will assist farmers in determining practices, other than routine farming practices, that are most needed to conserve and improve soil fertility and prevent erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

**D. Payment.**—For each farm the payment which may be earned in connection with soil-building practices is the sum of the amounts computed under items 1, 2, and 3 of this paragraph D: *Provided*, That for any farm with respect to which the sum of the payments computed for special crops plus items 1, 2, and 3 is less than \$20, the amount computed under this paragraph D will be increased by the amount of the difference.

1. **70 cents** for each acre of cropland in excess of the sum of the acreages used in computing payments for wheat and tobacco.

2. **\$1.80** for each acre of commercial orchards.

3. **25 cents** for each acre of fenced, noncrop, open pasture land in excess of one-half of the number of acres of cropland, which is capable of maintaining during the normal pasture season at least 1 animal unit for each 5 acres.

**E.** In addition to the payment computed under paragraph D of this section III, a special payment of **\$15** may be earned by planting forest trees as provided in practice 11 below.

**F. Deduction for failure to maintain practices under previous programs.**—Where the county committee, in accordance with instructions of the State committee, determines that (1) forest trees planted or pastures established under previous agricultural conservation programs are not maintained in accordance with good farming practices, (2) seedlings of perennial legumes or grasses are destroyed after producers have been informed that the destruction of such legumes or grasses is contrary to good farming practice, or (3) the effectiveness of any soil-building practice carried out under a previous program is destroyed in 1941 contrary to good farming practice, there will be deducted from payments which would otherwise be made with respect to the farm an amount equal to the payment which would be made under the 1941 program for a similar amount of such practices.

**G. Soil-building practices.**—The soil-building practices listed below will count toward reaching the soil-building goal, to the extent

indicated herein, when carried out in the period September 1, 1940, to June 30, 1941, in accordance with good farming practice and the provisions of this bulletin.

1. **Superphosphate.**—Application of either (a) 100 pounds of AAA triple superphosphate or (b) 240 pounds of 20 percent superphosphate or its equivalent.—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, green manure crops in orchards, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture. Credit will not be given for the application of superphosphate to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

2. **Potash.**—Application of 150 pounds of 50 percent muriate of potash or its equivalent.—**One unit or \$1.50.**

The material must be applied to, or in connection with the seeding of, perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, or permanent pasture. Credit will not be given for the application of potash to a soil-depleting crop or to any of the above-named crops if seeded or grown in connection with a soil-depleting crop.

3. **Liming materials.**—Application of ground limestone, or its equivalent, to farmland in counties as follows.—**One unit or \$1.50.**

- (a) **2,000 pounds** in the counties of Berkeley, Jefferson, and Morgan,
- (b) **1,500 pounds** in the counties of Barbour, Brooke, Grant, Greenbrier, Hampshire, Hancock, Hardy, Mercer, Mineral, Monongalia, Monroe, Ohio, Pendleton, Pocahontas, Preston, Randolph, and Tucker.
- (c) **1,000 pounds** in the counties of Boone, Cabell, Clay, Doddridge, Fayette, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mingo, Nicholas, Pleasants, Putnam, Raleigh, Ritchie, Roane, Summers, Taylor, Tyler, Upshur, Wayne, Wetzel, Wirt, Wood, and Wyoming,
- (d) **800 pounds** in the counties of Braxton, Calhoun, Gilmer, and Webster.

For purposes of this practice 150 pounds of limestone screenings, or 70 pounds of hydrated or burned lime will be considered to be equivalent to 100 pounds of ground limestone. Ground limestone, of which 90 percent or more will pass through a 10-mesh sieve, will be considered as ground limestone. Such material, of which less than 90 percent will pass through a 10-mesh sieve, will be considered as limestone screenings.

4. **Alfalfa.**—Seeding approved varieties of hardy domestic or Canadian alfalfa.—**One unit or \$1.50 per acre.**

Sufficient alfalfa seed must be sown on land properly prepared, including the application of sufficient liming material, superphosphate, and potash, where necessary, to assure a good stand. In case a good stand is not obtained, evidence satisfactory to the county committee must be submitted to show that the land was properly prepared.

5. **Winter legumes.**—Seeding crimson clover or vetch as winter cover crops.—**One unit or \$1.50 per acre.**



6. **Annual lespedeza.**—Seeding annual lespedeza.—**One-fourth unit or 37½ cents per acre.**
7. **Other legumes.**—Seeding sericea, approved red clover, alsike clover, sweetclover, whiteclover, or mixtures containing any such legumes.—**One-half unit or 75 cents per acre.**

In order to qualify under practices 4, 5, 6, and 7, seeding rates must meet the requirements approved for each county by the State committee. No credit for a seeding practice will be given if it is determined by the county committee that the seed used was not adapted seed of such quality as to meet the requirements of good farming practice.

8. **Winter cover crops.**—Leaving winter cover crops on land.—**One unit or \$1.50 per acre.**

A good stand and good growth of wheat on a non-wheat-allotment farm, barley, rye, or mixtures of these crops, from which seed is not harvested by mechanical means, must be left on the land as a temporary mulch to qualify for credit. Any crop for which payment is made under practice 9 will not qualify for credit under this practice.

9. **Green manure crops.**—Turning under green manure crops.—**One unit or \$1.50 per acre.**

A good stand and good growth of crimson clover, vetch, sweetclover, rye, winter oats, winter barley, winter wheat, or mixtures of these crops, must be plowed or disked under as green manure to qualify for credit. Any acreage of wheat plowed under for the purpose of reducing the planted acreage of wheat in connection with the 3 percent or 3-acre provision will not qualify for credit as green manure. 1941 seedings of sweetclover will not qualify for credit under this practice.

10. **Contour stripcropping.**—Establishment or maintenance of a system of contour stripcropping.—**One-fifth unit or 30 cents per acre.**

This practice will consist of the planting or maintenance of strips on the contour of cropland having an average slope of more than 5 percent. Any strips of intertilled crops (at least 30 feet and not more than 100 feet in width) must be separated by strips of close-growing crops of approximately the same width. The width of strips will become less as the percentage of slope increases. Prior approval of the county committee must be secured before performing this practice.

11. **Forest tree planting.**—Planting approved species of forest trees or shrubs beneficial to wildlife.—**Three units or \$4.50 per acre.**

Prior approval of the county committee, including detailed instructions, must be obtained before performing this practice. The species and spacings approved for forest tree plantings are as follows:

Species	Minimum spacing	Maximum spacing
	<i>Feet</i>	<i>Feet</i>
Norway spruce.....	4 x 4	8 x 8
Red spruce.....	6 x 6	7 x 7
Yellow poplar.....	6 x 6	8 x 8
Black locust.....	3 x 3	6 x 6
Red pine.....	6 x 6	7 x 7
Shortleaf pine.....	6 x 6	8 x 8
Virginia pine.....	4 x 4	6 x 6
White pine.....	6 x 6	8 x 8
Black walnut.....	6 x 6	8 x 8

The minimum spacing for Norway spruce should be used only in case of Christmas tree plantings. Minimum spacing for Black locust should be used only for gully control. Plantings must be protected from fire and grazing, and cultivated sufficiently to retard native growth of weeds and undesirable species. Plantings must show a survival of not less than 700 trees per acre evenly distributed over the land on or after July 1, 1941. In the case of white pine plantings, credit will not be allowed unless any currant and gooseberry bushes present are removed from the planted area and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

The planting of not less than 1,500 shrubs beneficial to wildlife on two or more small tracts, consisting of less than 1 acre each, will be considered as an acre even though the total area may be greater than an acre. Shrubs planted for credit under this practice must be protected from fire and grazing and cultivated in accordance with good wildlife management practice.

**12. Walnut planting.—Planting black walnuts.—Two units or \$3 per acre.**

At least 1,200 walnuts per acre must be planted not farther apart than 6' x 6'. Walnuts must be planted at a depth not greater than 1 inch and not later than April 1, 1941. Walnuts used for planting should be those collected from the ground (not stored) from the fall crop of 1940. A good stand (approximately 750 trees per acre) showing satisfactory growth, properly protected from grazing, must be secured in order to qualify for credit under this practice.

**13. Forest stand improvement.—Improvement of stands of forest trees.—Two units or \$3 per acre.**

Prior approval of the county committee, including detailed instructions, must be obtained before performing this practice. The stand of forest trees to be improved must be such as to provide at least 100 trees per acre of desirable form and species after improvement. Forest stand improvement will consist of weeding (removal of trees of undesirable species or form); thinning, when necessary, in stands where trees average 4 inches or more in diameter; and by removal of diseased snags and diseased live trees. Areas being improved must be protected from fire and from grazing. Cuttings, except for stand improvements and for such merchantable cuttings as will allow a satisfactory stand to remain, are prohibited. If white pine makes up any part of the designated minimum number of trees per acre in the stand, credit will not be allowed unless any currant and gooseberry bushes present are removed from the stand and throughout a surrounding border zone sufficiently wide to protect the white pines from blister rust damage.

**14. Orchard mulch.—Application of mulching materials in orchards.—One-half unit or 75 cents per ton.**

Straw or equivalent mulching material must be evenly applied to orchard land to qualify for credit under this practice. Credit will not be allowed for the use of barnyard or stable manure as mulching material. Air-dry weight will be used in calculating the amount of mulching material for which credit will be given under this practice.

**15. Apple tree removal.—Removal of disease-infested or uneconomic apple trees, the major portion of whose fruit is of inferior quality:**

- (a) For trees 5 to 12 inches in diameter.—**One-fifth unit or 30 cents per tree.**
- (b) For trees more than 12 inches in diameter.—**One-third unit or 50 cents per tree.**

Prior approval of the county committee must be obtained before performing this practice. Payment will be made only for the removal of live, permanent



apple trees and not for the removal of filler or semi-permanent trees. Land so cleared must not be used for the growing of soil-depleting crops during the program year for which payment is made. No payment will be made for removal of trees less than 5 inches in diameter. Measurements of trunk diameter will be made approximately 1 foot above ground level. Not more than \$15 per acre may be earned under this practice.

**16. Sweetclover mulch in orchards.**—Leaving sweetclover in orchards on land as a temporary mulch—**One unit or \$1.50 per acre.**

A good stand and good growth of sweetclover in orchards must be left on the land as a temporary mulch to qualify for credit. Sweetclover seeded during the 1941 program year will not be counted under this practice.

**H. Materials furnished by other agencies.**—If one-half or more of the total cost of carrying out any practice is represented by labor, seed, trees, or other materials furnished by any State or Federal agency other than the Agricultural Adjustment Administration, no payment will be made for such practice. If less than one-half of the total cost of carrying out any practice is represented by such items, payment will be made for one-half of such practice. Labor, seed, trees, and materials furnished to a State or political subdivision of a State or an agency thereof by an agency of the same State will not be deemed to have been furnished by a State agency within the meaning of this paragraph.

Soil-building practices carried out with the use of equipment furnished by the Soil Conservation Service will not, by virtue of the use of such equipment, be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery will not be deemed to have been paid for in whole or in part by a State or Federal agency.

#### Section IV. DIVISION OF PAYMENTS AND DEDUCTIONS

**A. Special-crop payments and deductions.**—1. The net payment or net deduction computed for any farm with respect to special crops will be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1941. Such determination will be made at the time the county committee approves the application for payment: *Provided*, That if any such crop is not grown on the farm in 1941 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases the net payment or net deduction computed for such crop will be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the allotment for such crop had been planted and harvested in 1941.

2. The deduction for exceeding the total soil-depleting allotment will be regarded as a pro rata deduction with respect to the payments computed in connection with special crops.

**B. Soil-building practice payments and deductions.**—1. The amount of net payment earned in carrying out soil-building practices on the farm will be paid to the landlord, tenant, or sharecropper who carried out the practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1941 program, the payment will be divided in the proportion that the units contributed by each person bear to the total units contributed by all persons. All persons contributing to the carrying-out of any soil-building practice on a particular acreage will be deemed to have contributed equally to the carrying-out of the practice unless such persons prove to the county committee that their respective contributions were not in equal proportion, in which event the payment for such practice will be divided in the proportion which the county committee determines each person contributed thereto.

2. The deduction for failure to maintain soil-building practices carried out under previous programs will be divided among the persons who the county committee determines were responsible for the failure to maintain the practices in the proportion that the county committee finds such persons were responsible.

**C. Proration of net deductions.**—If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions, the sum of the net deductions will be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments.

If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments will be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

## Section V. GENERAL PROVISIONS RELATING TO PAYMENTS AND DEDUCTIONS

**A. Increase in small payments.**—The total payment computed under sections II, III, and IV for any person on any farm will be increased as follows:

1. Any payment amounting to 71 cents or less will be increased to \$1;
2. Any payment amounting to more than 71 cents, but less than \$1, will be increased by 40 percent;



3. Any payment amounting to \$1 or more will be increased in accordance with the following schedule:

Amount of payment	Increase in payment	Amount of payment	Increase in payment
\$1.00 to \$1.99-----	\$0. 40	\$32.00 to \$32.99-----	\$10. 40
\$2.00 to \$2.99-----	. 80	\$33.00 to \$33.99-----	10. 60
\$3.00 to \$3.99-----	1. 20	\$34.00 to \$34.99-----	10. 80
\$4.00 to \$4.99-----	1. 60	\$35.00 to \$35.99-----	11. 00
\$5.00 to \$5.99-----	2. 00	\$36.00 to \$36.99-----	11. 20
\$6.00 to \$6.99-----	2. 40	\$37.00 to \$37.99-----	11. 40
\$7.00 to \$7.99-----	2. 80	\$38.00 to \$38.99-----	11. 60
\$8.00 to \$8.99-----	3. 20	\$39.00 to \$39.99-----	11. 80
\$9.00 to \$9.99-----	3. 60	\$40.00 to \$40.99-----	12. 00
\$10.00 to \$10.99-----	4. 00	\$41.00 to \$41.99-----	12. 10
\$11.00 to \$11.99-----	4. 40	\$42.00 to \$42.99-----	12. 20
\$12.00 to \$12.99-----	4. 80	\$43.00 to \$43.99-----	12. 30
\$13.00 to \$13.99-----	5. 20	\$44.00 to \$44.99-----	12. 40
\$14.00 to \$14.99-----	5. 60	\$45.00 to \$45.99-----	12. 50
\$15.00 to \$15.99-----	6. 00	\$46.00 to \$46.99-----	12. 60
\$16.00 to \$16.99-----	6. 40	\$47.00 to \$47.99-----	12. 70
\$17.00 to \$17.99-----	6. 80	\$48.00 to \$48.99-----	12. 80
\$18.00 to \$18.99-----	7. 20	\$49.00 to \$49.99-----	12. 90
\$19.00 to \$19.99-----	7. 60	\$50.00 to \$50.99-----	13. 00
\$20.00 to \$20.99-----	8. 00	\$51.00 to \$51.99-----	13. 10
\$21.00 to \$21.99-----	8. 20	\$52.00 to \$52.99-----	13. 20
\$22.00 to \$22.99-----	8. 40	\$53.00 to \$53.99-----	13. 30
\$23.00 to \$23.99-----	8. 60	\$54.00 to \$54.99-----	13. 40
\$24.00 to \$24.99-----	8. 80	\$55.00 to \$55.99-----	13. 50
\$25.00 to \$25.99-----	9. 00	\$56.00 to \$56.99-----	13. 60
\$26.00 to \$26.99-----	9. 20	\$57.00 to \$57.99-----	13. 70
\$27.00 to \$27.99-----	9. 40	\$58.00 to \$58.99-----	13. 80
\$28.00 to \$28.99-----	9. 60	\$59.00 to \$59.99-----	13. 90
\$29.00 to \$29.99-----	9. 80	\$60.00 to \$185.99-----	14. 00
\$30.00 to \$30.99-----	10. 00	\$186.00 to \$199.99-----	(1)
\$31.00 to \$31.99-----	10. 20	\$200.00 and over-----	(2)

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

**B. Payments limited to \$10,000.**—The total of all payments made in connection with programs for 1941 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms located within a single State will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) will not exceed the sum of \$10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payments are made.

All or any part of any payment which has been or otherwise would be made to any person under the 1941 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or

by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

**C. Deductions incurred on other farms.**—1. If the deductions computed for any farm in a county exceed the payment computed for the farm, a person's share of the amount by which the deduction exceeds the payments shall be deducted from the person's share of the payment which would otherwise be made to him for performance on any other farms in the county.

2. If the deductions computed for a person for one or more farms in a county exceed the payments computed for such person on other farms in the county, the amount of such excess deductions shall be deducted from the payments computed for such person for performance on any other farms in the State if the State committee finds that the crops grown and practices adopted on the farm for which the net deductions are computed substantially offset the contribution to the program made on other farms.

**D. Deduction for association expenses.**—There shall be deducted pro rata from the payments for any farm all or such part as the Secretary may prescribe of the estimated administrative expenses of the county agricultural conservation association in the county in which the farm is located.

**E. Payments restricted to purposes of program.**—All or any part of any payment which otherwise would be made to any person under the 1941 program may be withheld, or required to be returned—

1. If he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1941 or previous agricultural conservation programs;

2. If, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which the payment is otherwise authorized; or

3. If, with respect to forest land or woodland owned or controlled by him, he willfully burns over or allows to be burned over his woodland or any material portion thereof (failure to attempt to suppress any such woods fire will be considered as intentional burning), or if he clear-cuts or allows to be clear-cut his present stand of timber below a minimum diameter on the stump of approximately 10 inches for coniferous species, and approximately 14 inches for hardwood species, except (a) where clear-cutting of undesirable species is followed by planting of forest trees of desirable species, (b) where the clearing is for needed cropland, or (c) other special cases approved by the county committee in accordance with instructions issued by the State committee. This provision will not prohibit cutting a limited number of selected trees of smaller size in places where the stand is dense.

**F. Farms not operated.**—Only payments in connection with soil-building practices will be made with respect to farms which are not being operated in 1941.

**G. Payment made without regard to claims.**—Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph I of this section, advances for crop insurance premiums for the farm, and indebtedness to the



United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**H. Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1941 program than would have been made to the landlord or operator for performance on the farm under the 1940 program, payments to the landlord or operator under the 1941 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1940 had been continued in 1941, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the 3 years 1938 to 1940 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, unless the county committee certifies that the reduction is justified and approves such reduction.

The action of the county committee under this paragraph H is subject to approval or disapproval by the State committee.

If the State committee finds that any person who files an application for payment under the 1941 program has employed any other scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require the person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to the person in connection with the 1941 program.

**I. Assignments.**—Any person who may be entitled to any payment in connection with the 1941 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1941. No such assignment will be recognized unless it is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the A. A. A. and unless such assignment is entitled to priority, as determined under instructions issued by the A. A. A. governing recording of such assignments.

Nothing contained in this paragraph I shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled. Neither the Secretary nor any disbursing agent shall be subject to any suit or liability if payment is made to the farmer without regard to the existence of an assignment.

**J. Excess cotton acreage.**—Any person who knowingly plants cotton, or causes cotton to be planted, on his farm in 1941 on acreage in excess of the cotton allotment for the farm for 1941 will not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1941 program.



**K. Deductions in case of erroneous notice of acreage allotment.**—Notwithstanding the deduction provisions of section II, in any case where, through error in a county or State office, the producer was officially notified of an allotment for a commodity larger than the finally approved allotment for that commodity and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved allotment, the producer will not be considered to have exceeded the allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued.

#### **Section VI. CONSERVATION MATERIALS FURNISHED BY A. A. A. TO CARRY OUT SOIL-BUILDING PRACTICES**

Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, and terracing services may be furnished by the Agricultural Adjustment Administration to be used in carrying out approved soil-building practices on the farm in lieu of payments.

Wherever such materials or services are furnished, a deduction shall be made in an amount determined by the Agricultural Adjustment Administration on the basis approved by the Secretary. If the producer uses any such material in a manner which is not in substantial accord with the purpose for which such material was furnished, an additional deduction for the material misused equal to the amount of the original deduction for such material shall be made.

The deduction for materials or services shall be made from payment due the person who obtained the materials or services on the same or any other farm in the county. In the event the amount of the deduction for materials or services exceeds the amount of the payment for the producer subject to deduction, the amount of such difference shall be paid by the producer to the Secretary: *Provided*, That deductions for any deficit will be made insofar as possible from payments computed for other persons on the farm with respect to which such materials or services were furnished.

Notwithstanding any other provision herein, for any farm (1) for which no deductions are applicable and (2) for which no application for payment is filed or if an application is filed no net payment would be computed except for the use of conservation materials or services, the materials or services furnished by the Agricultural Adjustment Administration shall be in lieu of payments which might be computed for the farm.

#### **Section VII. APPLICATION FOR PAYMENT**

**A. Persons eligible to file applications.**—An application for payment for a farm may be made by any person who, under the provisions of section IV, shares in the payment which may be computed for the farm and (1) who is determined by the county committee to be entitled



as of the time of harvest, to share in any of the crops grown on the farm under a lease or operating agreement or as owner-operator, or (2) who is owner or operator of such farm and participates thereon in 1941 in carrying out approved soil-building practices.

**B. Time and manner of filing application and information required.**—Payment will be made only upon application submitted through the county office on or before January 31, 1942. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any applications for payment if any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee, and making copies of the same available to the press.

**C. Application for other farms.**—If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another.

#### Section VIII. APPEALS

Any person may, within 15 days after notice is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination regarding any of the following matters affecting any farm in which he has an interest: (a) Eligibility to file an application for payment; (b) any allotment, usual acreage, yield, measurement, or goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person in writing of its decision within 15 days after receipt of the written request for reconsideration. If such person is not satisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify the person in writing of its decision within 30 days after the submission of the appeal. If such person is not satisfied with the decision of the State committee, he may, within 15 days after the decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision.



Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person, who as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

#### Section IX. DEFINITIONS

For the purposes of the 1941 program—

**Secretary** means the Secretary of Agriculture of the United States.

**Administrator** means the Administrator of the Agricultural Adjustment Administration.

**Regional Director** means the Director of the East Central Division of the Agricultural Adjustment Administration.

**State committee** means the group of persons designated to assist in the administration of the agricultural conservation program in West Virginia.

**County committee** means the group of persons elected within any county to assist in the administration of the agricultural conservation program in such county.

**East Central Region** means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

**Person** means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

**Landlord or owner** means a person who owns land and rents such land to another person or operates such land.

**Sharecropper** means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

**Tenant** means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

**Cropland** means farm land which in 1940 was tilled or was in regular rotation, excluding any land in commercial orchards.

**Noncrop, open pasture land** means pasture land (other than rotation pasture land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

**Commercial orchards** means the acreage in planted or cultivated fruit trees, nut trees, vineyards, or bush fruits on the farm (excluding nonbearing orchards and vineyards), from which the major part of the production is normally sold.

**Special crop** means wheat or tobacco.

**Special crop allotment** means a wheat or tobacco acreage allotment.



**Animal unit** means one cow, one horse, five sheep, five goats, two calves, or two colts, or the equivalent thereof.

**Farm** means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

1. Any other adjacent or nearby farm land which the county committee determines is operated by the same person as a part of the same unit with respect to the rotation of crops and with work stock, farm machinery, and labor substantially separate from that for any other land, and

2. Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

**Soil-depleting acreage** means the acreage of land devoted during the 1941 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted):

1. Corn, including sweet corn and popcorn, planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).

2. Tobacco harvested for any purpose.

3. Grain sorghums planted for any purpose.

4. Broomcorn planted for any purpose.

5. Potatoes planted for any purpose except when grown in home gardens for use on the farm.

6. Annual truck and vegetable crops planted for any purpose and perennial vegetables harvested for any purpose except when grown in home gardens for use on the farm.

7. Strawberries harvested for any purpose except when grown in home gardens for use on the farm.

8. Commercial bulbs and flowers, including cultivated sunflowers, harvested for any purpose.

9. Peas planted for canning, freezing, or dried peas, except when grown in home gardens for use on the farm.

10. Flax planted for any purpose except when used as a nurse crop for perennial legumes or perennial grasses which are seeded in a workmanlike manner.

11. Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.

12. Wheat (on a non-wheat-allotment farm), oats, barley, rye or mixtures of these crops, harvested for grain.

13. Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops, harvested for hay, except when such crops are (1) used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay, or (2) seeded in a mixture containing at least 25 percent by weight of winter legume seeds and harvested for hay.

14. Buckwheat, sweet sorghum, Sudan grass, or millet, harvested for any purpose.